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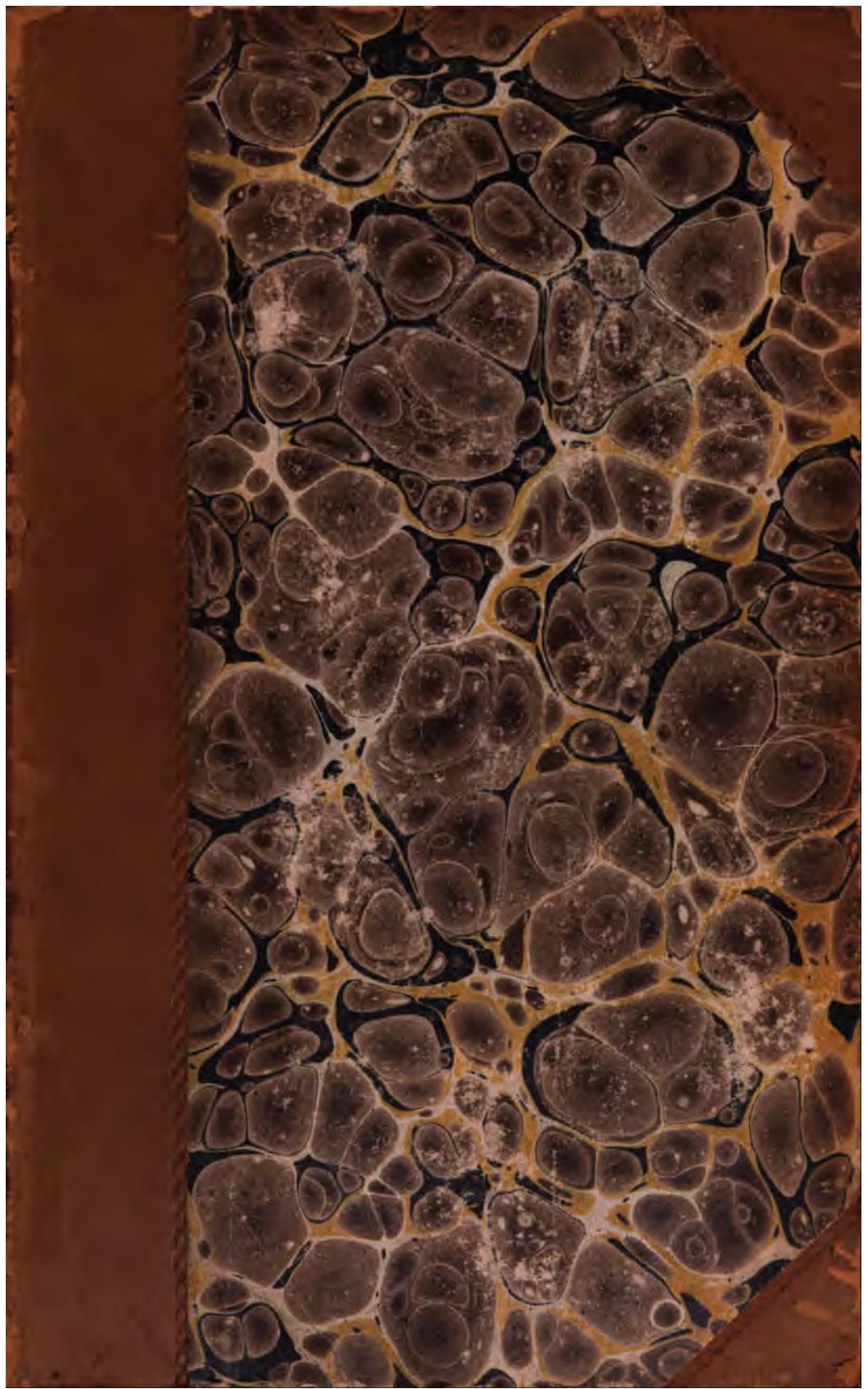
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AND.



S.H. 1825

✓ D I G E S T

OF THE

Evidence

IN

THE FIRST REPORT

FROM THE

SELECT COMMITTEE

ON THE

STATE OF IRELAND.

BY GEORGE WHITE,

CLERK TO THE COMMITTEE;

AND

Parliamentary Agent for Conducting Private Bills.



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1825.

896.



TO THE
RIGHT HONOURABLE WILLIAM PLUNKETT,
ATTORNEY-GENERAL FOR IRELAND.

SIR,

In taking the liberty of dedicating the following pages to your name, I cannot flatter myself that by so doing I can add to the well-merited approbation which through your zealous endeavours to do justice to all parties, has so universally been bestowed upon you by all classes of persons in that part of the kingdom in the government of which you hold so conspicuous and arduous a station.

I feel convinced that no man, however prejudiced he may be on the one side or the other, can possibly read the Important Matter contained in the Report of the Committee on the State of Ireland, without in some degree changing his opinion.

By reducing that Report into such a shape as to bring it within the reach of many who might not otherwise be able to avail themselves of the benefit of the publication of it in its original form, I may perhaps in some degree contribute to the object of the Legislature in making it public, and thereby aid the endeavours of Yourself, and every sincere Well-wisher to his Country, namely, to allay the prejudices which at present unfortunately distract that unhappy Country.

That such may be the result of the present Inquiry is the sincere desire, and confident expectation of

Sir,

Your very obedient humble servant,

*House of Commons,
April 11, 1825.*

GEO. WHITE.

TO
THE PEOPLE
OF
IRELAND.

IN undertaking the present work, I may safely say, I am not actuated by motives of gain solely: for if that were my only motive, the result of a similar undertaking which was considered a subject involving the interest of a very great portion of the People of this Country, namely, the Report on the subject of the Repeal of the Combination Laws, would deter me from a second attempt of the kind. But I may, I think, assert, without being contradicted, that an earnest desire to enable those persons who were most interested, to possess themselves of the very important information which was amassed upon that enquiry, was equally an inducement to me to risk the publication.

It is with the same views that I have resolved upon reducing the very voluminous mass of evidence and matter which has been adduced before the Select Committee on the state of Ireland into its present form; because I am convinced that whether it shall find its way into the hands of Protestant or Catholic, Orangemen or Ribbonmen, however they may be prejudiced in their opinions against each other, the perusal of this will I am sure, as it has with those engaged in the inquiry, soften down those animosities, and convince them that however they may differ in some points, and however prone we may be to imbibe prejudice, a temperate and candid inquiry into and discussion of the subject will in spite of ourselves produce conviction in the end; and bring us to view things through that mild light of reason which will lead us all to guide ourselves by that Golden Rule, (which, if it is not, ought to be found in every man's creed, let his religion be what it may,) "to do unto others as we would they should do unto us." That the perusal of these numbers, or the more extensive Report from which they are compiled, may produce that feeling, is the sincere wish not only of the Compiler, but of every true Friend to his Country.

A D I G E S T
OF
THE EVIDENCE
CONTAINED IN THE
FIRST REPORT FROM THE SELECT COMMITTEE
ON THE
STATE OF IRELAND.

Anthony Richard Blake, Esq., called in ; and being examined, stated in substance as follows :—

I am a Roman Catholic, but I have been absent from Ireland for some years till within a late period ; and although I left Ireland at a time of life at which one is not in the habit of considering very much the state of the country, about the age of nineteen, still I was old enough to have some general impressions upon the subject of the state of the country, and the condition of the people ; but upon my return to that country I think I have observed a change considerably for the better.

My duties, as a Commissioner of Education, took me during the last autumn into several counties of Ireland ; I observed then, with satisfaction, that the lower orders of the people appeared much more decently clad than they were when I left Ireland originally, and I thought their general appearance considerably improved ; but upon the subject of education, I submit that it would not be proper for me at present to speak, inasmuch as it will be my duty, with my colleagues, to submit facts and opinions upon it to the Crown, from whence our authority issues.

During the period I last referred to, the autumn of 1824, it appeared to me that the lower orders of the people were very generally employed, and I thought I observed habits of industry growing up amongst them ;—for instance, I was through the whole of Connaught in such a way as to enable me to form some opinion ; I was also in parts of Leinster, and in part of Munster.

With regard to any feeling of discontent or disturbance prevailing amongst them, as far as I could form an opinion from the outward appearance of things, I should conceive that there

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was not any disposition to disturbance existing at that time; with respect to discontent, any opinion that I may have upon that subject is formed more upon information than observation; I had conversations with the clergy of both denominations, as well as with the gentry of all descriptions; and I am sorry to say that discontent, to a very alarming degree, prevails amongst the Roman Catholics; and that the most painful and lamentable dissensions exist, and are hourly increasing between them and the Protestants. I think at the same time that there is a general degree of satisfaction at the course pursued by the present government of Ireland towards them. I should not say that this discontent existed, so far as my information went, or the impression which I received, with reference to any particular part of that general code which creates disabilities in respect of the Roman Catholics; but from the general spirit and tenour of those statutes, by which the whole body is depressed and placed below the Protestants, without reference to rank, character, property, or information.

The Catholic body know that the powers of the state, executive, legislative, and judicial, are by law required to be administered by persons who must forswear the Roman Catholic religion; this produces continual irritation; I speak from conversations with the Roman Catholic clergy and gentry as to the feelings of the lower orders; from personal observation as to those of the middling and higher orders; and, from what I have collected, I think that they are interested in two ways: in the first place, their pride, (and there is a sense of pride among the lower as well as among the higher classes) is wounded by the sense that they belong to a degraded class; in the second place, there is a feeling among them, which, however, I am persuaded is a mistaken one as applied to the Judges of Ireland, that they have not an equal chance of justice with the Protestants; they do not consider that a Protestant and a Roman Catholic stand upon equal ground, wherever questions arise between them which are to be disposed of by authorities exclusively Protestant; they all consider that there is in the law a feeling of hostility towards the Roman Catholic religion, which is likely to pass from the law to those who administer the law; and to extend from the Roman Catholic religion to those who profess that religion. During my last tour, however, I did not speak to them upon political questions, at other times I have; and I have always found it impossible to speak to a Roman Catholic upon the state of the law, without perceiving that it creates a sense of hardship and grievance in his mind.

Upon the subject of the precise disabilities under which the Catholics now labour, I should beg, with great deference, to refer to the Act of 1793, which repealed all disabilities to which the Roman Catholics were liable, subject to particular exceptions; and where there is a general code of disability, it is difficult to

point out the particular parts of that general code which create most dissatisfaction ; the exclusion of Roman Catholics from that general range of office to which men of superior talent, property, and education aspire, necessarily produces amongst them a degree of irritation proportioned to their wealth and intelligence, and which must therefore go on increasing in proportion as their wealth and intelligence increase ; thus the *power of property and knowledge*, which, *honoured* and *directed* by the State, are calculated to promote *public happiness and peace*, are so dealt with by the laws of *exclusion*, as naturally to produce *discontent and disorder*. The exclusions which come most home to the general feelings of the people, are those which apply to Parliament and the Bench. Parliament makes, the Bench administers the laws of the empire ; the Roman Catholics are excluded from both. This, it is said, is essential to the security of the Protestants ; then, what becomes of the Catholics ? If Protestants would feel insecure, were Catholics mixed with Protestants in Parliament, or upon the Bench, what must Catholics feel, when both are filled by Protestants exclusively ? The fact is, that they consider these exclusions as rendering Parliament and the Bench hostile to them, and therefore they place confidence in neither. For instance, the being obliged to take what are called the Qualifying Oaths, in all matters concerning the purchase and devising of landed property, must be a matter of disgust to any Roman Catholic ; and I really think it must be to any educated Protestant, to stand in a court of justice and hear the oaths or declarations which are administered to Protestants, as qualifications for office. I would state to the Committee, if they would allow me to do so, what happened to me, when in the course of the year before last I was appointed to the offices I now hold in Ireland ; I had some appointments to make to offices under me ; the persons I appointed were Protestants ; they went to qualify with me ; I had to qualify first, because out of my right theirs was derived ; I qualified, by taking an oath, which commenced with a declaration that I professed the Roman Catholic religion ; I abjured all those doctrines which have been erroneously imputed to that religion ; and having concluded, the persons who acted under my authority, who derived their offices from my grant, who existed at my will, were obliged to swear that I was an *idolater* ; were obliged to commence their qualification by declaring that the religion professed by the person from whom they derived their appointments was *superstitious* and *idolatrous*. These tests are calculated to excite very unfortunate feelings ; they produce in those who take them a feeling of *contempt* for those who are called *idolaters*, and a feeling in those who are called *idolotizers*, that they are *unjustly* and *cruelly treated*.—And, therefore, I should certainly wish to see one simple oath of allegiance established for *all* the King's subjects, whether Protestant or Roman Catholic. I must add, that I never heard a Roman Catholic ob-

ject to that part of the oath prescribed by the Act of 1793, by which the Roman Catholic pledges himself to support the Protestant government, and solemnly disclaims any intention of attempting to substitute a *Catholic* for the *Protestant* establishment.

With regard to the management of landed property in Ireland, my duties as Chief Remembrancer of Ireland require me to attend to that subject, and consequently enable me to form some opinion on that point, as well as affording me opportunities of seeing what the state of landed property is; the value of it, how managed, how rents are collected, and so forth.

With regard to the rate of rent that has been required, as to its being a proper rate or an excessive rate, since my appointment to office in Ireland, I have anxiously attended to the state of the receivers accounts; I found, when I was appointed, those accounts very much in arrear; and when I got in the accounts, I found the rents very much in arrear: upon enquiry it appeared to me, that the arrears were generally occasioned by the very high rate at which land had been let, and in consequence of that I recommended, in the case of lands in the hands of the court, where the persons to whom those lands belonged were persons for whom the court had a right to act, as infants and persons of that description, or where general consent could be obtained, that the state of the property should be examined, that enquiry should be made as to the rate at which the lands were let; and where it was found that the land was let very high, that abatements should be made, and that those abatements should be retrospective; so far as it should appear, upon enquiry, that the rents which had been reserved were for the past period beyond those which the tenants could fairly pay; that recommendation has been acted upon very much, and the result is, that the rents having been reduced, the lands are now let, on what appear to be fair and reasonable terms, such terms as enable the tenant to pay to his landlord a fair rent for the enjoyment of the land, and enable himself to live by it; these rents are paid pretty regularly.—The tenants have also been relieved from the old arrear, so far as it appeared to have been produced by their holding at an exorbitant rent; this has produced a very good effect; the arrears lay as an incumbrance upon them, pressing them down, and discouraging them altogether; since they have been relieved from it they have become more active, their energies have revived, and their rents are paid.

In travelling through Ireland you scarcely see a pound without some wretched horses or cows or sheep in it, which you are told have been put there for rent. I think a pound thus filled, one of the most distressing objects that strikes the eye in Ireland.

The sub-letting of land I find to be a very general practice, and as mischievous as it is general; and the way in which I consider it to be mischievous is, I do not think that the man who

sub-lets, has that sort of feeling towards the persons to whom he lets, that the proprietors of the land would have; at least that the proprietor of the land in England would have. I know that, from my own experience of the manner in which landed property is managed in this country.

I have known two or three persons intervene, between the owner of the land and the occupier of the soil in Ireland; and it has occurred to me, that it is a subject that calls for legislative interference; for unless landlords introduce covenants into the leases which they grant, to prevent sub-letting, they cannot prevent it; and as it is a principle of the law of England to favour commerce, if you introduce a covenant against under-letting or assignment, and you once permit an assignment or an under-letting, the covenant is gone for ever, even though you should expressly restrict the waver to the particular case: for instance, suppose I grant a lease to A. with a proviso in it, that A. shall not assign without my leave; A assigns to B. and I consent to that; B. may go on assigning afterwards without my consent.

Therefore I am of opinion that a landlord would experience very great difficulty in devising covenants, upon the efficiency of which he could rely, for the purpose of preventing sub-letting; I think that the taking away the power of distress from the middleman and giving it only to the head landlord, would relieve the unfortunate occupier from double or treble distresses; but there is a practice which prevails very much in letting property in London for building, which if it were made a universal practice by law in Ireland, would I think, in a great degree, cure the evil that I have alluded to. In London, where a person possessed of any very extensive property makes a lease to a builder, he agrees with the builder to join with him in making sub-leases, so that the lessees shall be his tenants, and not the tenants of the builder; I mean, that all sub-letting should be prohibited, unless the landlord be a party.

Upon the subject of church-property I should say I never found amongst the Roman Catholics, any feeling of hostility to the establishment, so far as civil rights were concerned; except a notion that the property of the church was *public property*, and was more than the church *ought* to possess; that feeling I have perceived amongst *some* Roman Catholics, but *not more than amongst Protestants*: as to any feeling or disposition to have transferred to their own body the property of the established church, I have heard the clergy themselves declare that they would not wish it. If I am asked whether the Roman Catholic clergy would accept a provision from the state, my opinion certainly is, that accompanied with the settlement of the Roman Catholic question, and so regulated as not to prejudice their independence, they would receive a provision from the State with gratitude; I think it would produce a good feeling amongst them; it would make them understand that their church was not looked upon with any

hostile feeling, but the contrary; I think it would also be a very great relief to them, because, I believe, that the dues which are collected from the lower class of people by the Roman Catholic clergy, are felt very heavily; I do not mean to censure the Roman Catholic clergy for collecting those dues, they are their only means of subsistence; but I believe the payment of them is often felt very severely by the lower orders.

I think that the settlement of what is called the Roman Catholic question, and the making a provision for the Roman Catholic clergy, such as they would be willing to accept of upon wise and sound principles, would be above all others a measure calculated to give strength to the Protestant establishment, and repose to the country; I think the present state of the law is obviously erroneous; it is calculated not to secure, but to endanger the establishment; it creates bad feelings, and affords no security against them. The Act of 1793 took things at the wrong end; it elevated the lower orders, and left the higher in a state of depression. The security of the Protestants in Ireland is in the strength of property against numbers; what you have done is to grant to Roman Catholics a privilege in which numbers tell against property, and to withhold a privilege in which property tells against numbers; you allow the lowest orders of the people to vote, and you do not allow the higher orders to sit. I certainly should consider, in the settlement of the Catholic question, *if ever it is to be settled*, that the qualification for the exercise of the elective franchise in the counties, ought to be reviewed and altered.

And I do not think that raising the qualification for the exercise of the elective franchise, if it was accompanied with the settlement of the great question, would be very unpopular amongst the body of Roman Catholics: it is possible that against that, as against any thing else, a cry for a moment might be raised; but I do not think that any permanent feeling of discontent would be produced by it.

From my observations as to the state of Ireland, and from what I have learned from others, I think that the want of a respectable yeomanry is one main cause of the evils that Ireland labours under; and my notion in recommending a change in the qualification for the exercise of the elective franchise, is materially influenced by the hope, that it would induce gentlemen who wish to have political influence in Ireland, instead of parcelling out their land amongst a mob of *wretched cotters*, to raise up and encourage the growth of a *respectable yeomanry* in the country; and if the laws in that amended state were fairly and justly applied, so as to give the Roman Catholics a reasonable share of political power and influence in proportion to their property and their claims, I think we should have a reasonable prospect of peace and tranquillity being restored to that country, and for this reason; I do not conceive there is any political curse upon Ireland that is to prevent Ireland from being as happy and

peaceable as other countries, if instead of attempting to fit the people to the CONSTITUTION, the CONSTITUTION be fitted to the people. And if I did not think that it would have the effect of confirming that natural connection between the two countries, and rendering it, I hope, eternal, I would myself, though a Roman Catholic, be against it; because I do think that the Roman Catholics, in their present state of connection with England, are much happier and much better off, than they could ever be, separated from England, although they should become the ascendant body, in all respects, in Ireland; they derive advantages from their connection with England, which Ireland could never afford them in a separate state.

Nor do I think, if a provision were made for the Roman Catholic clergy by the State, that the influence of the priesthood over their flocks would be thereby materially diminished. At present the Catholic clergy have no other provision than that which they derive from the voluntary payments of their flocks.

I have no doubt, that the existence of the laws, as they now affect the Roman Catholics of Ireland, has a tendency to produce a peculiar degree of union amongst that class as Roman Catholics; they are bound together by the common sense of a common grievance.

And I conceive, if that union should be acted upon at elections generally, and more especially in counties, the result of it must be to give a decisive influence to the Catholic body, beyond what the just weight of their property would otherwise entitle them to; it enables active Catholics, clergy and laity, to alienate the lower orders from their landlords, and through their numbers to carry all before them, driving Protestant property, when opposed to them, utterly out of the field.

If I am asked whether I believe that those measures which I have stated as likely to be beneficial with respect to the raising the qualification voters, ought not to be considered as completely dependent upon their being combined with their complete emancipation; (if by emancipation, is meant the universal removal of all disabilities,) my opinion does not go to that extent; but it does go to the extent of representation in Parliament, and admission to the Bench; and I think, that if representation in Parliament were conceded, and the Bench were open, that there would not be much objection to some extent of exclusion from political office; with regard to corporate offices, there is at present a means of relief to Roman Catholics, which is not generally known; the Crown may exercise a dispensing power in corporations. But I do not know that the Crown could be well advised now to exercise it; because a class of statutes must constitute a policy calculated to fetter the discretion of the Crown.

If the law were to be altered in other respects, so as not to form an exclusion from Parliament and the Bench, that would alter my opinion as to the propriety of exercising a discretion in

corporate offices, as there would be no longer existing in the law that policy, or supposed policy against the exercise of it, which the present state of the law, I think, creates.

I beg to be understood as not meaning to express my opinion upon this subject, I only mention the fact of the law creating a difference between the two cases of offices under the Crown and corporate offices; I think exclusion from corporate offices may be felt, and would be felt as a very severe grievance; but if you can produce a beneficial effect in any way, I do not think the theory is of so much importance. With respect again to Ireland, I believe there is a misapprehension, very general, upon another point; I believe it is generally understood, that the Test Act is in Ireland repealed; the sacramental test is not repealed in Ireland; it is only repealed as to Protestant dissenters; a circumstance which forms a curious principle in law. A Protestant of the church of Ireland may be ruined unless he receives the sacrament, but a dissenter is safe. The Act of 1782, which relieved the Protestant dissenters from the Test Act, provided only that his Majesty's Protestant dissenting subjects should not bound by it; and I apprehend it would be necessary to plead that you were a Protestant dissenter, if an action was commenced against you, and you wished to have the benefit of the statute.

I think the Catholics generally would acquiesce in the proposal of raising the qualification for voting, provided it was accompanied with Catholic Emancipation, or with the admission to Parliament and the Bench; but I speak only of the principle of a rise, not of the extent to which the rise should go; but I have considered the class to which it would go; and the more extensive that class, the more necessary, in my judgment, the change.

With regard to the effect the plan of raising the qualification would have upon the Protestant interest of the country, I think the Protestants constitute, to a very considerable extent, the landed proprietary interest of Ireland; and therefore, in proportion as you increase the power of the proprietary interest, and diminish the power of mere numbers without property, you strengthen the Protestant interest. At present the Protestants insist upon the ascendancy; the Roman Catholics seek equality: this equality, to the extent of their property, they ought to have, but no farther; if equality to this extent were established, it would, I think, satisfy the Roman Catholics, and certainly would not prejudice the Protestants; it would take from the Catholic multitude the vast political power which they *now* possess, and would open to the Catholic gentry the capacity of enjoying another species of political power which they *do not now* possess—the capacity of sitting in Parliament; a capacity however from which they could only derive any benefit through the will of the proprietary, Protestant and Catholic, of the country. This would not shake the true legitimate ascendancy which belongs to the

Protestants, in proportion as they form the preponderating proprietary interest of the country ; on the contrary, it would secure that ascendancy on a rock, upon the general sound principle of British Constitution, which makes property the basis of all political power and ascendancy in the state ; while the Protestants claim ascendancy on other ground, the Catholics will consider it hostile, and oppose it ; but once put on its true ground, the hostile character would cease ; Protestants and Catholics might then regard each other as fellow citizens, and uniting as such, render their common country happy and prosperous.

Upon the subject of freeholds it must be recollect that a man in Ireland who, for instance, had an interest of 20*l.* would be of a totally different class from the 40*s.* freeholder ; but in speaking of freeholders, I have already stated, that I do not mean my observation to apply to towns.

I am not sufficiently acquainted with the state of towns, to speak upon this subject ; I had in my mind the general appearance of the 40*s.* freeholders, which is the appearance of a rabble.

There may be persons of respectability having only 40*s.* freeholds ; there is no general rule without particular exceptions ; but I think the injury which they might sustain would be as nothing, compared with the benefit the state would derive from the general regulation.

In speaking of the rent that the freeholder pays, or of the profit that he makes ; I mean that whatever rent he may pay, to whatever extent he may pay it, he should be able to swear that he has an interest beyond that rent, to the amount of 20*l.* a year ; that is if he pays 500*l.* a year, the property should be worth 520*l.*

When considering any proposed measure, you are not to be governed by the evils which may be in your way, according to a particular view of it ; you must look to the right and to the left ; you must judge by comparison, weighing advantages against disadvantages ; and I think the satisfaction to be produced by the measure in question, would be much greater, and much more important, than any dissatisfaction.

The Act of 1793 induced the landlords to split their land into very small portions ; and as the Roman Catholics are the most numerous body, they are enabled to manufacture freeholders to a much greater extent, under the operation of that Act, than they could before ; whereas if the elective franchise were confined to freeholders of 20*l.* a year it would have a great effect in consolidating the land, and that would be one of the benefits that would result from it. The persons who now have an interest in the land would not, so far as their interest in the land goes, be affected by such Act ; it might prevent landlords from creating new freeholders ; but it would not enable the landlord to turn the present freeholders out.

The Right Honourable Dennis Browne, a Member, Examined.

With regard to the state of the lower orders of the people, in the district of country with which I am best acquainted, which is the province of Connaught, that part is perfectly tranquil, at the same time that I must say, there is a sort of violent agitation of mind, that I never saw equalled in that country; which I think a great deal more dangerous than any night-walkings, or any of that folly and nonsense that went under the name of ribbon-men and white-boys, &c. &c. As to the state of the people, with regard to their circumstances as to provisions, I never knew the finances of the country in such a flourishing state as they are now; the crop was double, I think, what it had been; and the price of some articles is three times what it had been. Ireland, in general, flourishes only in war, like the salamander in fire; but that country I never saw so flourishing any year of war as when I left it about six weeks ago; the labouring people in general are employed, but there is a great deficiency in that respect, unless at very low wages: for instance, at harvest and spring, at six-pence a day; at present I speak of the county of Mayo, and the county of Galway. Besides the sixpence a day, in spring and harvest, they are fed when they are employed by their equals. The persons who receive sixpence a day, are, I think, in general, free labourers; the higher ranks have given up the cottier system as highly improper; but among the little noblesse, it is not exactly so, they do not give up that right.

In speaking of a dangerous agitation and feeling prevailing, I meant to say, it existed among all classes of Roman Catholics in the country, high, middling classes, and lower classes; and what I consider to be the causes of this feeling is the jealousy and disinclination there must always be, when the majority of the people are barred by religious or other distinctions from civil rights; and I think that country never will be a secure ally, or a secure possession of this, until all distinction, on account of religious belief, is done away; and I am warranted in saying that I think that feeling has been of late stronger than usual, and more general than ever I saw it; and I will tell the Committee why I say that: there were a great many people about me that were very confidential friends of mine; I used sometimes, when the Roman Catholics were very violent, to employ those people in allaying those feelings, and advising them, through confidential friends of mine, to desist, for that by violence they would do nothing; and that there were only two ways of getting any thing from this country, either by negociation or by force; that force I thought it would be of no use to try, and that it would be a very bad bargain to make the country a land of sculls for such an object as that; and that I advised them to get it quietly, or not to think of it all; and I thought they would get it quietly if their conduct deserved it: but I have found, that those people who were in my confidence, and who acted with me, and whose existence depended

upon me, were changed in their feelings, and that they were partaking of the highest feelings of Roman Catholics ; and I find the whole body of the population are joined heart and hand with this Catholic Association. I allude to the lowest classes as far as they can understand it, and the better classes particularly ; although the lower classes know no more what they are to gain by it, than I know of any thing that is most out of the reach of my knowledge ; but they have an idea that they are to gain something ; those people that stir them up, as far as they can to mischief, tell them they will get advantages. I recollect one time, that when they got the right of voting at elections, when I came into the country, people told me,—Sir, we are happy now we are to get freeholds ; I said you are all to get the right of voting from freeholds, but nothing else. It is a common notion among them, that they exist in a condition of inferiority with respect to other classes of the people ; they call those of their own religion by their own names ; a gentleman of their own religion, they call him by his Christian name and surname, but a Protestant is *Mr.* always ; although the Protestant is of precisely the same class, whom they call *Mr.* as the Catholic whom they call by his common appellation. Not that *Mr.* is meant as a term of respect, or contumeliously, but as a mark of distance.

I attribute the agitations I have spoken of very much to papers that have come down from the Catholic Association in order to stir up the country ; but the foundation of all this is the question itself ; which until you remove, all the things that happen will only be workings on it, and proceeding from it, and till you remove it, there is no state of security in that country ; and that you can look upon nothing as secure in that country, while you allow that country to remain as it is : while on the contrary, the effect of removing those distinctions, which I consider to be the cause of the present state of Ireland, would be doing the greatest good ; but what I would put with it, would be a provision for the Catholic clergy ; and without that provision, I consider it would be fitting out a ship well, without a helm to guide it.

And I think that the general disposition of the people is of such a character, that they would then become amenable to law, and live in a state of tranquillity, if they felt that they were equal to their neighbours, and not feel themselves as slaves and Helots in the country ; and that in time all those sharp feelings would wear away : and I do believe, that if the clergy were paid, the clergy would preach peace and quietness, and would become, instead of what they are now, (the secret enemies of government,) the friends of that government that paid them.

Nor do I think if a provision was made for the clergy, they would have any reason to apprehend that they would lose their influence over their flocks ; the only consequence would be, that their flocks would not pay them. The paymaster and the peni-

and is now to go to the same people or where his life
are to be continued in the extent as he sees fit
therefore I hope you will excuse my trouble to trouble
you too much about an otherwise extremely important and
interesting subject.

Secondly I am sure it is no service to you to talk
about any case that is entirely personal and nothing
of general interest can be derived. O what there is for
a man to do when he has got to live up to his
position, is it not hard for him to do so? I believe the
present time when I have a wife and two children the
time has got to a man. This time I think I have
a reasonable time to work at the business and all this with the
knowledge that I am not to be disturbed. On the contrary
was this the case when I was a boy of 18 and had
other odds against me than the want of money. I had to work
and earn money by myself and I could work for any
amount of time as I could possibly get and never had time
for any house and family. I had three sons and other
children and would have to take care of them and their
wives and would have time to work. I had to work and
had time to go to the market to buy what we were asked
price for cotton and tobacco for instance.

But to the point I want to make is the same still. It
is important that you do not let me off the hook
of your opinion that I am not well qualified to talk
to you about the importance of my work to me.
There has been a great deal of opposition. If
what you write to me is true, the public opinion
was same. If you will let me know I will write to the
writers to the effect of the present. You will notice I am not
so nervous over this as I was before. I am not nervous at all now as
I am. You are correct in saying that although there may be
some public opinion that the job is not worth the cost of
it is now established it was always the I should
not care whether the public opinion was for or against
me. I know the job is good work to anyone I say and
another fact is that the public does appreciate money.

Fourthly I think I will close this off now as I have got to
conclude it. But I am not a perfect example of the
importance of the public opinion to the author and
publisher. In fact the first publisher and the one who
published a copy of the book of the author of the
first edition, the first edition of the book is the public, and
the author of the second edition, the public of the second edition of
the book is the public. The public opinion may not be the
opinion of the entire country, which is about 100,000,000. So
many Americans I think is the public in the world
now. That is right. The public in the world is about 400,

shillings a-year, that would be 200*l.* a-year; but there are about four working priests for that. But I do not think that the priests have, upon the average, in the county in which I live, 100*l.* per year; the inferior priests, I suppose, 30 or 35*l.*, or 50*l.* in a great parish.

There are what they call "stations," but I am not aware of any income from it; the station is a house which is fixed on for the purpose of holding a confession; there the priest goes, and generally it is some man he has a spite to, and he goes to his house to hold what he calls a "station," and he makes it as expensive and troublesome as he can, and there he hears confessions; but that is paid for at Christmas and Easter. And I do think that you could be secure of the loyalty and attachment of the priests to the government of the country, merely by paying them; and I form my opinion partly from a view of the character of the clergy, of all kingdoms and all times; and partly from another circumstance, the presbyterians of the north of Ireland; they were marching side by side with the patriots against His Majesty's troops, and some little alarm they got, in consequence of some of the conversation that happened there, made a temporary separation; but my Lord Londonderry, in order to make the separation effectual, gave what is called a *regium donum* to the presbyterian clergy, and from that moment there never was disaffection among the presbyterians; and the clergy, that were the greatest preachers of mischief, left off all that, and it all turned into harmony.

I think it would be an additional motive to secure the loyalty of the priests, if the government retained always the nomination to the highest dignities of the church; but I think if they had the key of the treasury, that would do, without having a veto upon all appointments by the Pope.

With regard to the amount of payment that it would be proper to offer to the Catholic priests in Ireland, I have thought a parish priest ought to have from 70*l.* to 100*l.* and the coadjutor from 35*l.* to 50*l.*; a Catholic Bishop perhaps 400*l.*; and the four Archbishops 1000*l.* each: that is my rule; and with that I will engage, you will have such sermons of loyalty, such attachment preached to the State, they would be so loyal, that their hair would stand on end if they heard what I heard in the House of Commons last night; they would die upon the spot. The people are ready enough to do any mischief that the priests desire them, but as to paying them, they dislike that exceedingly; if they found they were paid by the State, they would not give them one single farthing for all the exhortations in the world, and the consequence would be, that the priests would neglect them, and I should hope there would be a sort of coolness in time, that would produce very good consequences. The number of the Catholic priests in Ireland greatly exceed the number of clergymen in the establishment; where there are two Protestant clergymen there are six priests, because there is not a cabin in the country that does

not call for the priest; he must be ready to get up at night, for they are very superstitious, and very easily alarmed about themselves, and if they have any sickness, they send for their priest. I think a payment to the Catholie priests should be a part of Catholie emancipation. I would not give a sixpence for it without. They say an idle head is the devil's garret; now if you could get a manufacture into the country, it would employ a great many people, and do a great deal of good.

As to the question how far it would be desirable to make the abolition of the forty-shilling freeholders a part of Catholic emancipation, you will please to recollect a great part of the interest of my family depends upon forty-shilling freeholders of the Catholic persuasion, so that you could not apply to any person who would be less likely to give you fair information upon that subject; but if you can prevail upon the forty-shilling freeholders in the north of Ireland, (who are a sturdy race of men,) if you can prevail upon them, you can do it with the Roman Catholics; but undoubtedly it must be a general measure: if the object is, that a man should represent the fair sense of the country, undoubtedly the forty-shilling freehold system is entirely against that; it is this forty-shilling freehold system that gives the Protestant ascendancy in the country; because there is my Lord [redacted] he has three thousand registered freeholders upon his estate, and so have many others; they go with the Protestant landlord, and they extinguish the Roman Catholic interest, consisting of middle men and farmers. The present election laws are all for the encouragement of fictitious votes; any man that is registered must vote; and as to going to a petition afterwards, that is quite out of the question; we can hardly stand the expense of an election, much less of a petition. In point of fact, the small freeholders are so much under the influence, and in the power of the landlords, that they dare not vote against them: I think they would be very daring to do so, because they owe us generally double what they have to pay us.

I will tell the Committee what I conceive one of the greatest evils, of a minor kind, that is in Ireland; which is the collecting church rates, what they call church cesses, of the people, which are extremely vexatious in my neighbourhood; there was a parish clerk, the son of a shoemaker, laid a tax upon the parish; and if the gentleman that possessed the fee-simple of the whole parish went into that vestry to regulate the cess in any way whatever, he would be turned out of the room, being a Roman Catholic gentleman. I think that is one of the greatest evils; and I conceive the landlords ought always to be obliged to pay that cess.

Daniel O'Connell, Esquire, called in, and Examined.

I may say I have had many opportunities of becoming acquainted with the condition of the lower orders of the people of Ireland, in many extensive districts of that country; and with regard to the increase of numbers in the districts with which I am acquainted, I know many instances; in the remoter parts particularly, I know of farms upon which I remember but two dwellings, upon which there are at present, I believe, nearly a hundred families: the numbers have been increasing as long as I recollect, but I was out of Ireland from the year 1789 till 1795; consequently, if I am asked what circumstances I consider as the cause of the modern and very great increase of the population, I should say, though perhaps it is prejudice, the relaxation of the penal code in 1778, which for the first time since the reign of Queen Anne, enabled the Roman Catholics to take leases, and have tenures, and thereby fix them more to the soil, and by calling the productive qualities of Irish soil into operation; and as I consider it to be capable of feeding four times the number of its present inhabitants, I think that the law, allowing the people to become holders of the soil, must necessarily have had the effect of increasing the population. And if I am asked the state of the lower orders in respect to their modes of living, I should say it is such, that it is astonishing to me how they preserve health, and above all, how they preserve cheerfulness, under the total privation of any thing like comfort, and in the existence of a state of things that the *inferior animals* would scarcely endure, and which they do not endure in this country; and yet that state of circumstances of the people is general in the labouring classes throughout a great part I am acquainted with: it is varied by local circumstances in particular districts; for example, the facilities of procuring firing change very much the comfort of the Irish peasant; in the richer districts of Tipperary and Limerick, the peasant is a most miserably circumstanced creature; he wants firing, and frequently is at a distance from water; in the mountain districts particularly: in the remoter ones of Kerry and Cork there is water in abundance, and he can have firing with great facility; and that adds to his comfort much, and to the duration of human life also. I am best acquainted with the counties of Clare, Limerick, Kerry, and Cork; I have gone that circuit for many years; I have some property, extensive in itself, but inconsiderable comparatively in value, in the county of Kerry; and I am well acquainted with those counties. And as to the general state of the habitations of the lower class it is impossible I think, (I express myself strongly,) to have any thing worse; the houses are not even called houses, and they ought not to be; they are called cabins; they are built of mud, and covered with thatch partly, and partly with a surface which they call *scrabs*, and any continuance of rain necessarily comes in; I have observed at night, however, that there is this

advantage in their being built so, that where they have firing the entire house is warm, and it is like a stove, and it produces almost the effect of a vapour bath upon the inhabitants. As to furniture, they have nothing that can deserve the name of furniture: it is a luxury to have a box to put any thing into, or to have what they call a dresser for laying a plate upon, or any thing of that kind; they generally have little beyond an iron cast metal-pot, a milk tub which they call a keeler, over which they put a wicker basket, in order to throw the potatoes, water and all. That is frequently the extent of their furniture.

With regard to their bedding; that consists of nothing but straw and very few blankets in the mountain districts; by the sea they are better off, and more comfortable. They fish occasionally.

They are in general without bedsteads; the entire family sleep in the same compartment; they call it a room; there is division between it and the part where the fire is; they separate the sexes by very slight partitions, and yet I do not believe, and indeed I am convinced, that that species of promiscuous lying amongst each other, does not induce the immorality which one would expect from it; certainly no immorality between persons closely related, such a thing is not heard of. I do believe the Irish peasant would destroy himself if he thought it was seriously imputed to him. They are better off with respect to blankets in the remoter districts of the county of Cork; but I have reason to believe, that in Limerick, and in a portion of Clare, and in parts of the county of Cork, they sleep in their clothes; I know that near Dublin they sleep in their clothes, and that upon recent investigation, within eight or ten miles of Dublin, out of fourteen or fifteen families, there were only two found in which there was a blanket. Their ordinary clothing in the southern provinces consists of a frieze jacket, and the breeches of frieze, the waistcoat generally of flannel, they are very ambitious of wearing something of a cloak made of frieze, a large coat; any of them that get at all above the world now, are desirous of having a kind of cotton work called corduroy trowsers; in those counties I have spoken of, neither men nor women in general wear shoes and stockings, it is dress and luxury. In case of being wet they have no clothes to change; they have none but what they wear at the moment; of course, in the various grades of poverty and its shades, there are differences, but I speak of the general state of the Irish labouring peasantry.

With respect to their food, it consists, except on the coast, of potatoes and water during the greater part of the year; potatoes and sour milk during another portion; they use some salt with their potatoes when they have nothing but water; on the sea coast, the children and the women get shell and various kinds of fish.

In that season of the year which takes place between the going out of the old potatoes and the coming in of the new they

almost always suffer great distress, aggravated by the difficulties with respect to tithes. The Irish Acts enable the peasant to hold a kind of battle with the tithe owner upon every thing but potatoes; with other things he can serve a notice to draw, but with potatoes it is not so; there is no statute provision respecting the potatoe; and then if the peasant begins to dig his potatoes he is completely at the mercy of the tithe owner; and it is right to say, that he is in general not very harshly dealt with, where the clergyman has the tithe himself; but when they are in the hands of laymen, and frequently persons of the same persuasion with himself, if he begins to dig, he has no mode afterwards of defending himself against the demand: that is, if he begins to dig previous to making an arrangement or bargain for his tithes; and that is the interval that takes place between the going out of the old potatoes and the coming in of the new harvest; because the bargain for the tithe is not made or tendered to him at that early period; he has great distress in general at that time, and has no means of purchasing potatoes during that season, if his own stock is exhausted. Money is an article that the Irish peasant knows excessively little of; and there is no employment sufficient to afford the means of acquiring money for cases of difficulty; although I do not believe there is in the world a peasantry more ready to accept small wages for employment than the Irish peasant: but there is not any thing like a demand for constant employment for the labouring class; according to my knowledge and experience, not even any thing that could be called an occasional demand; that is, the demand is so small that it scarcely deserves the name, it is rather an accidental demand than even occasional.

To attempt to give the Committee any idea of the proportion of the people that are without employment numerically, is matter of conjecture; but there certainly is not one out of twenty employed; that is, there is nothing like constant work for that number.

What is the customary wages for a man's labour when employed, independently of considerations of rent, I cannot say, except in the remote district of the county of Kerry, where I take it to be when there is employment, sixpence a day without any meal, and fourpence a day with; and yet I say that, from perhaps not a very distinct recollection, it is not more than that. I believe during 1822 they cheerfully worked at *two-pence a day without victuals*, being paid in money. The people contrive to provide themselves with food, that is potatoes, and consequently land becomes absolutely necessary for every Irish peasant, and he cultivates that food; and he makes the rent in general, (I am and have been speaking of the poorer class of peasantry) by feeding the pig as well as his own family upon the same food; and if it be not wrong to call it so, at the same table, upon the same spot with that pig, he makes the rent; besides any chance he gets of daily labour. The better class than that pay the rent

by the produce of butter; in the mountain districts of oats, in the district some thing better than that; in the remote parts of the county of Cork they pay the rent by the produce of barley; and in the richer parts, the better farmers by the produce of wheat: by the produce, I mean the money produced.

Distressing for rent is a general hardship in the country, very much aggravated by the necessity of sub-lettings; there are frequently six or seven between the proprietor of the fee and the actual occupier; and whenever any two of those happen to differ in the state of their accounts, the man who claims more than the other has paid, or is willing to pay, settles the dispute, by distressing the actual occupier; and that occurs, in many instances, where the occupier has paid his own rent to his own landlord, and it is attended with this additional oppression; a recent statute, which was passed about the year 1817, for the first time, enabled the landlords to distress growing crops in Ireland. My own opinion is, that that statute has contributed extremely to the disturbances in the South, because in all those cases of sub-letting, it gave to every one of those individuals the power of distressing the growing crop, that growing crop being the subsistence for the family of the peasant; and if he can forbear from digging the potatoe himself, he cannot restrain his wife and children. I have known numerous instances, where informations as for a felony were sworn before a magistrate; the wretch was committed to a jail for two or three or four months, till the ensuing assizes, when it was discovered it could not be a felony; but then the wretch had lain in jail during that time, and his family of course excessively ill off. The worst of the crimes of the South I attribute a great deal to the effect of that Act of Parliament. At the same time I must admit that I think the lower orders are harsh and unfeeling towards each other in pecuniary matters, and they exercise the right to the fullest extent of enforcing what is due to them, under all circumstances; I have known persons, who would be perfectly ready to die for each other in personal quarrels, as harsh about a shilling or a sixpence as if they had no previous acquaintance with each other whatever. Another source of grievance and hardship, the practice of bringing ejectments for rent, arises out of the stamp duties, which with respect to the tenure of land, of course are paid by the tenant; and with respect to a peasant, the amount of stamp duty would be more money than he could possibly command; the consequence of which is, that he deals in general upon parole, or upon a contract, written upon unstamped paper. The effect of that is that it gives the landlord a constant power of breaking through the contract, without any remedy. Not even a civil bill action will lie for a breach of the contract, because it requires that it should be stamped before it can be produced; the consequence of which is, that every species of landlords have the means of bringing ejectments, and turning the tenants out. Before the civil bill ejectment was allowed by Act of Parliament, a landlord was

cautious of bringing an ejectment; for even if defence was not made, it would cost him fourteen or fifteen pounds, at the cheapest, to turn out a tenant; but the civil bill ejectment has very much increased the power of lower landlords, for by means of that he can turn out his tenant for a few shillings; and that horrible murder of the Shees was occasioned by a civil bill ejectment, brought in that way. I wish to express this opinion strongly to the Committee, that the Acts of Parliament, passed since the peace, giving to Irish landlords increased facilities of ejectment and distress, have necessarily very much increased the tendency to disturbance in Ireland; there have been several of them within the last ten years, they have been used by the upper classes of Irish gentry in the South. The resident gentry were in general very much involved in debt, and could not contrive to get their living; they were pressed themselves, and without making any further apology for them, they certainly used their tenants quite as severely as any one peasant did another. There were of course many exceptions; I do not mean to speak of it as an universal proposition at all. I speak of both landlords and middlemen, but the landlords however, in general, are persons who have leases of lives, renewable for ever, I do not know that I include in it many who are actually seized in fee.

I will be prepared on a future day to give the Committee the precise statutes, but I can describe them generally; the statute that gave the power of distraining the growing crops; the acts that enabled the civil bill ejectment to be brought: the one statute enabled the civil bill ejectment to be brought, and another (I believe two others,) extended it, and facilitated the means of bringing it. Those are the statutes I allude to; the precise years and chapters I shall furnish the Committee with. There are likewise many instances in which the tenants suffer excessively under the custodiam process. The custodiam is a grant from the Crown to the creditor of the debtor's land. It commences in the court of Common Pleas by a civil outlawry; and that outlawry being estreated into the Exchequer, a grant is made in the Exchequer called a custodiam; the potential effect of which is to entitle the creditor to all the rents of the debtor, and to enable him by a motion, which is a matter of course, a side bar rule, as it is called, to compel the tenants of the outlaw to pay their rents to the custodian; and also, by another order or motion in court, to demise under the court any lands not in lease. The mode in which rents are levied under it is by personal demand; and if there be a refusal, an attachment-liberty is given occasionally to distrain; but the usual course, and that most productive to the attorney, and I may add, therefore, that generally pursued, is by attachment. The outlaw will himself distrain the tenants; he has other creditors, who have mortgages and annuities, and conflicts eternally take place between them, which may be settled and ought to be settled by the court upon motion, but which frequently are not; and when they are not, the person who actually

suffers is the occupying tenant; for he is compelled, under distress, to pay his rent; and after he has paid it to one, he is attached for not paying it to the custodiam creditor. I have known instances in which the wretched peasants have lain in gaol for years, under that process of attachment; and it is cruel to the debtor, because the legal expenses of it are enormous. The instances that have come under my knowledge, and I have been twenty-seven years at the Irish bar, are very numerous; in really fair cases (tenants will collude, of course, with their landlord, and things of that kind will occur,) and I have known an immense number of fair cases, in which the effect of that process has been most grievous, most oppressive; and that without the slightest tinge of blame to those who administered the law in the country.

This form of proceeding by custodiam, I take to be a form of proceeding peculiar to Ireland, as distinguished from England; though I should speak even of Irish practice with diffidence, but of English still more so; but when we have occasion, in arguing questions, to refer to authorities, we get very little assistance from the English books. That proceeding certainly is not known in England; I say certainly, because if it were, the reports would contain cases upon it. One effect of the proceeding by custodiam is to delay the claims of prior creditors; defeat is, perhaps, too strong a word; they are postponed necessarily, because in judgment debts, the priority is according to the date of the judgment; the proceedings by what is called an elegit, which is a mode of getting possession of either the rents or the land of the debtor. Those proceedings derive their force according to the priority of the judgment in point of date; but in the custodiam proceedings, it is according to the date of the inquisition; consequently, proceeding by custodiam tends to complicate and defeat the ordinary proceedings by ejectment, and innocent landlords are put to great inconvenience by it, because, unless the attorney makes search for custodiams, the landlord to whom rent is fairly due, and due even from a fraudulent tenant, is defeated in that ejectment, merely because he has not gone through the form of obtaining the consent of the attorney general, and bringing ejectment in the Court of Exchequer; if it be brought in any other court but that, the proceedings are often made void; and I have known instances in which landlords have lost a year's rent over and over again, and that to a large amount, merely because there were custodiams against their under tenants.

I have known many instances in which a custodiam has been fraudulently obtained, without the knowledge of the party against whom it was granted; I am convinced it exists daily; and I have known instances of custodiams either obtained, or at least continued by the debtor himself.

Speaking on the subject of freeholds, I may say I have known many freeholders registered upon unstamped paper of late years; and if the inferior officer be in that interest, the thing may take place very easily.

In cases of the creation of freehold interest on stamped paper, I have known many instances in which the freehold lease, though executed, has not been delivered over to the possession of the tenant, but has been kept in the hands of the landlord; and the complaints of it are not at all unfrequent. I am aware that since the passing of a recent Act, the certificate runs that it is upon stamped paper: therefore the clerk of the peace would be the person who would be in fault. There is no difficulty in making registries of freeholders; the clerk of the peace can appoint his deputy; any man can be his deputy for the moment; and it is the easiest thing in the world to register freeholds upon the present system, without either freehold or valid tenure to constitute a freeholder; there must be first tenure, that is to say, a grant for a life or lives to constitute a freehold; in order to registry there must be at the utmost such a rent as would leave the freeholder a profit of forty shillings a year: now I have known numerous instances, where, if a peasant was made to swear that he had a freehold of forty shillings, he would have perjured himself in the grossest way; and in those instances a friendly magistrate or two may very easily get into the room; an adjournment of the sessions for the purpose of registry is the easiest thing in the world, because the Act of Parliament gives validity to the registry, notwithstanding any irregularity in the adjournment of the sessions; therefore two magistrates can come together very easily, get the deputy of the clerk of the peace to attend, and they can register upon unstamped paper if they please. They can register with the life described in such a way, that that life will be either dead or living, as they please, at the next election; John O'Driscol or Timothy Sullivan, or any thing of that kind. Frauds with respect to the registry of freeholds are very considerable; but still it is, I take it, a very great advantage to the Irish peasant upon the whole, to have the power of voting given to him by forty-shilling freehold.

I must here be permitted to observe that I am convinced that the multiplication of oaths, with reference to the registration of freeholds, and with reference to the proceedings at elections, as well as other oaths which are administered to the peasantry of Ireland, has had the effect of rendering them indifferent to the obligation of an oath: the frequency of oaths has had a most demoralizing effect upon the peasantry of Ireland; my opinion is, that the civil bill jurisdiction of the county courts is most frightful and horrible in its effects upon the morals of the Irish people. The allowing a single individual to decide, who cannot possibly be acquainted with the bearings of character, in the first place, is not bringing justice home to the peasant, it is bringing litigation. To have a conscience is an inconvenience, therefore in the civil bill court, if a witness is a man of character, and scrupulous of his oath, he does his friend no good at all; but the ready and distinct swearer is beyond value; and it has

had this effect, that in their dealings the peasantry, in most of them, employ their children, at a very early age, to be their witnesses ; and they produce them at an age that it is actually frightful to look at them. I am, in my conscience, thoroughly convinced, that if a society were instituted to discourage virtue and countenance vice, it would have been ingenuous indeed if it had discovered such a system as the assistant barrister's court, without meaning in the slightest degree to impeach the integrity of the gentlemen who hold that situation in Ireland, (some of whom are not very competent, to be sure, in point of intellect,) but the appointments of the last eight or ten years have been improving certainly in respect of mental attainment.

If I am asked whether it would be practicable to try by jury the number of cases which necessarily come before the assistant barristers at sessions, I should say that the number of cases, in itself, is a great evil; I know that the tendency is to multiply them most unnecessarily; and that in practice, decrees are obtained without a service of civil bill at all; John Brown, for example, wishes to get a decree, and he files a civil bill at the sessions in the name of John Geary or John Sullivan, there is no service of course; he goes in, and though he is the person intending to have the decree himself, he proves the case, and gets the decree, and goes and makes the distress, and sells the goods, before there is a possibility of discovering the fraud. That has been attempted to be met by taking the bailiff up for a capital felony, as for stealing the cattle, or whatever he seized, and when the assizes came on I have seen him indicted for the felony; and he produced the civil bill decree; then it was said, it was a fraud, and the man ought to be prosecuted for the fraud and for the perjury; for the perjury it is impossible, for who is to identify the person to be the swearer at the sessions.

Stealing a decree, is a phrase perfectly understood in the country. I have known this flagrant instance: there was a tenant of mine, who, for a cottier tenant, was comfortable; the man had five milch cows; he got a typhus fever, which extended to his wife and children; while he was lying in that state, two decrees were stolen upon him, every particle he had in the world was sold, and he was reduced to complete beggary; when I came to the country afterwards, and he made a complaint of this, I found that the man who had done so, was also living as a tenant of mine, and I had no remedy in the world but to turn him off; for I found it impossible to institute a prosecution with success.

Those decrees are sometimes obtained under the pretence of what they call "sheaf;" that term requires explanation: the outgoing tenant in Ireland, almost universally, is entitled to a portion of the crop which they call sheaf; it is in some places the third sheaf: and they talk of a sheaf of potatoes, a sheaf of twigs; and one of those decrees was obtained, under pretence of a title to sheaf.

The hurry of the mode of proceeding in the civil bill court is such as to leave it open to those frauds which I have alluded to ; it is impossible to have any thing more undignified, or unlike a court of justice in general, than the civil bill court; there are two or three attorneys talking to their clients on every side ; they are taking their instructions, and examining the witnesses for the next causes, while the cause is going on. There is a great deal of vehemence of character about the Irish ; the plaintiff and the defendant and their wives and their witnesses are all bawling at the same time ; the attorney screaming : There is no poetry in saying, that justice is frightened away. I am told that six thousand cases have been decided in a week.

I take it that is a great evil in the system that the assistant barristers are practising barristers ; I do not mean at all to disparage my own profession ; yet we are men, and the civil bill attorneys employ the assistant barristers ; and the civil bill clients employ the assistant barristers ; and in spite of the highest feelings of a very high profession, that will mingle ; but it ought not to be allowed to exist.

Therefore I conceive it would be an improvement upon the present system, if the office and functions of the assistant barristers were made more exclusively judicial than they now are ; my own abstract opinion is, that the evil of serving process for the recovery of small debts, and the necessary increase of oaths, is much greater than any that would occur, if they were irrecoverable. I think, in the balance of evils, it would be better that small debts were irrecoverable ; and I believe that few small debts would be unpaid, if there was no legal process ; for no man would get credit but a man who had a character for punctuality ; and that again would operate upon society as an additional bonus to character and fidelity. I think it would be better therefore if debts, under perhaps 5*l.* or more, were irrecoverable, and the assistant barristers were lessened in number, and increased much in salary ; for if you do not pay the workmen well, you will not have workmen ; and that they went stated circuits, and that they tried every question by jury, and that the magistrates were not exempt from serving upon those juries, as constituting part of the sessions court, which is another evil wherever a jury is attempted in those cases ; but the evils of the civil bill court are nothing in point of perjury, and every abomination, compared to the evils of the petty courts in corporate towns and boroughs, where the manor courts continue to exist in Ireland ; in the manor courts, the most indecent proceedings take place ; a vulgar fellow, a hedge schoolmaster, or driver to an estate, is made seneschal, that is the judge of the court ; he holds the court generally in a miserable whiskey house. It is almost a universal rule that the jury will not go together, unless they get a certain portion of whiskey ; and I have known instances, because they were proved before me, that the jury

decided for the person who gave them most whiskey, having declared that they would do so. The juries are sworn in those manor courts, and returned by the seneschal. I hardly know one person of respectability as seneschal; I knew one, but he was a magistrate, and he was deprived of the commission of the peace upon that account; he was nearly connected with myself. It was the case of Mr. Jeremiah M'Carthy, in Newmarket, in the county of Cork; I think that by not allowing actions to be brought for very small sums, and by having regular circuits, six or eight circuits in a year, civil bill circuits, that justice would be brought home to the doors of the poor in Ireland, without bringing litigation and chicanery.

It is my opinion, that if the business under the civil bill process was conducted with more regularity, and with more certainty as to the administration of justice, than it is at present, that that very circumstance would have a very great tendency to diminish the number of actions; and that if the attorneys' emoluments were allowed to be increased at the will of his client, it would also diminish the number much by taking away his interest to multiply the number. But with regard to the Crown side, I think the assistant barrister is decidedly useful in Ireland.

If I am asked if I think that sufficient time is allowed by the assistant barrister at the Quarter Sessions for the business of the Crown court, I should say no; it is not, strictly speaking, the duty of the assistant barrister; he feels, as it appears to me, that he discharges his duty if he does the civil business; and then the criminal business being matter of supererogation, he is anxious to get rid of that as fast as he can; therefore I do not think that sufficient time is given to the criminal business: and I am of opinion that his attendance upon his professional duties in Dublin interferes with his duty as assistant barrister in the Crown court; because the more an assistant barrister is employed in Dublin, the more it is his interest to shorten the time of the circuit, in order to get to Dublin to attend his own business. He is likewise, by law, chairman of the Crown court, but with a single voice only, no casting voice; and I have known him overruled by the magistrates, but never improperly: upon the whole, I think the attendance of a barrister at the sessions calculated to do great good, if he had leisure enough to attend to it properly. At present the business in the Crown court is in general very badly conducted in the southern provinces, with which I am acquainted practically: the grand juries are selected from improper persons: the venders of spirits and beer, find it a profitable trade, because they can vote against the finding of bills against their customers; so that of late I have known some assistant barristers make out a good grand jury out of the half-pay officers who happened to be resident in the neighbourhood; I mean the grand juries at the quarter sessions; I do not of course speak of the grand juries of the assizes; I do not know that in

the south any religious distinction is made on the sessions grand juries ; it is certainly not a subject of complaint. With respect to the appointment of petit juries at sessions, it is equally bad, or perhaps worse ; the criminal practice at the sessions is to have almost every cause tried with a double aspect ; a prosecutor, as soon as he has given his evidence, goes into the dock, and the prosecuted comes upon the table to prosecute ; they send up cross indictments. With the exception of Waterford and Cork, I believe there is no local bar ; the consequence is, that the sessions business is done altogether by attorneys, and the class of sessions attorneys is not the most respectable ; that, however, is diminishing, and respectable young men do certainly now practise ; the relaxation of the Popery laws has given a better class of attorneys than existed in the counties before. The fees of the civil bill court are regulated by Act of Parliament ; I am ignorant whether the fees of the criminal court are regulated so or not ; but as long as courts exist for the recovery of small debts, which I beg to say, as far as my own humble judgment goes, I think it would be better not to have courts for the recovery of small debts, but as long as they do exist, the cheaper they are made, in my opinion, the better ; the principle seems to me to be cheapness ; my great objection to those courts, is the immense quantity of perjury they necessarily engender.

The manner in which justice has been administered by the magistrates throughout the south of Ireland has made a very unfavourable impression upon my mind. The mode of administering the criminal law by the magistrates, has been very bad, and continues so, though the petit sessions has given some improvement. The administration of justice is divided into ministerial acts, which are preparatory to trials in criminal courts, and judicial acts, where the magistrates inflict penalties and decide cases. Now, in ministerial acts, there was a great flippancy in sending persons to trial upon informations brought in writing to the magistrates, and sworn to without due examination or caution ; so that in the southern counties the difference was very great between the number of persons found in the calendar at such assizes, several of whom were months in gaol, and the number indicted ; and a very great disproportion between those indicted and those convicted ; now a vigilant and a partial magistracy would certainly have prevented those cruel grievances. Added to that very great abuses prevail with regard to the manner in which summonses for attendance have been granted. I know instances in which peasants were summoned by two magistrates who resided nineteen miles from the farm, and the people went with their witnesses the nineteen miles ; and as soon as it was found they had their witnesses, and were ready for the cause, the magistrates at once adjourned the court for a week ; so that they had thirty-eight miles to travel with their witnesses without effect ; although there were magistrates resident nearer than the

nineteen miles. Those two magistrates have since been very singularly circumstanced, for one of them is in the dépôt for transported convicts, and the other I saw discharged as an insolvent the other day; they would have harassed the people three or four weeks more, if I had not been in the country: and this arises from the party who sue for tithes before magistrates being empowered to choose the magistrates before whom he will bring the cause; and there is no option in the party complained against. Magistrates who are tithe-owners are, I think, excluded; but then, if they do act, what is the remedy of the peasant? only an application to the court of King's Bench; it is quite idle to talk of that to an Irish peasant.

Summonses have been issued for very trivial matters: and my real opinion is, that the magistrates, taken altogether, have not that feeling that men ought to have who hold any species of judicial station; there is not the generous sentiment of abhorrence of wrong and oppression among the class of men who are magistrates in Ireland which there ought to be. It is a convenient thing for a man to have a commission of the peace in his neighbourhood; he can make those he dislikes fear him, and he can favour his friends; a great deal of that prevails, and must necessarily prevail, in a state of society such as subsists in Ireland. We have complaints professionally coming constantly before us, of the modes of inflicting fines for various offences; and we have reason to believe the complaints are well founded, though it is almost impossible to procure redress for them.

The lower class of the people conceive that it is not the justice of the case that is to decide it before the magistrates, but the person who has most favour and interest; and the moment they have any thing to be decided before magistrates, they ransack the entire neighbourhood to get letters of recommendation to the magistrates: and it is familiar in belief, and I have no doubt of it, that magistrates have received money and various articles: where they could not give money, eggs and butter, and fowls, and presents of various kinds, and free labour where they can give nothing else; and immorality where females are interested; complaints of that description have been made, and they purchase favour in a mode which is not difficult to be understood. The system that has been recently introduced of bringing magistrates together at petit sessions, has certainly improved the general administration of justice. This alteration of inducing the magistrates to act in petit sessions was brought about by the repeated recommendation of the judges. The measure of revising the magistracy, which was lately adopted, struck out some very bad men; but it was used occasionally to deprive of the commission of the peace most excellent men, without any cause; it was peculiarly severe upon the Roman Catholic magistrates. I know an instance of a gentleman, who has been deprived of the commission of the peace in the county of Cork, without any pretence

in the world, but that he was a Roman Catholic, residing in the neighbourhood of a very high ascendancy gentleman ; I speak of Mr. Philip Harding, of Macroon ; he is a gentleman who has a fee simple or landed property of 7 or 800*l.* a year, and has considerable money property. He is more independent in circumstances than the general class of magistrates, and was certainly a very excellent magistrate. Most magistrates in Ireland owe money : and I beg to say I confine my observation to magistrates owing money to that part of Ireland with which I am acquainted. I have said, I wish to have it understood, that with the details of the northern provinces, I am unacquainted of my own knowledge ; I believe, in point of property, the magistrates in the north are better off than those in the south.

The Chancellor has excluded attorneys ; but it would not be right to draw an inference against him from Mr. Harding being excluded, for he has acted on local information ; it would have been better if he had been more cautious. Mr. Garrett Nagle was struck out of the commission of the peace ; but I understand he has been restored. In the county of Cork, most of the Catholic magistrates were struck out, but some of them have since been restored.

With respect to the exclusion of the Roman Catholics from the direction of the Bank of Ireland, for the last two-and-thirty years Roman Catholics have been eligible to the situation of bank directors, but not one of them has been elected, although an immense deal of bank stock belongs to the Catholics ; in their fair proportion, they ought to have two or three of the bank directors always Catholics ; their exclusion was injurious to the Catholic commercial men during the war, and in times of commercial speculation ; but I think the result has been highly beneficial to them, and accounts, in my mind, for the superior wealth of the Catholic commercial community in Dublin over the Protestant ; they were thrown upon their own resources, and obliged to make fortunes by degrees, and such are the men who generally keep their property longest ; there was a difference of opinion, with respect to effect of the Act of 1793, as to its effect on the charter, in order to procure the admission of Roman Catholics to the bank direction ; there were three opinions taken ; two of them were unfavourable to the Catholics. Mr. Ponsonby, who gave one of the adverse opinions, was afterwards himself astonished at having given it ; whether it is that we conceive ourselves better lawyers now, from attending more exclusively to the profession of the law, I cannot say ; but no lawyer at present in Ireland has the least doubt on the subject that they were eligible all along.

By the Act of 1807 or 1808, when the bank charter was renewed, there is a clause saving all rights that existed under the former Act of 1793 ; if I recollect right, there was a clause brought in to empower Catholics to become bank directors, and

that Sir Samuel Romilly declared in the House, that it was not necessary ; I may be mistaken in that, but I understand it to be the universal opinion of the profession ; and speaking of so humble an individual as myself, I have no doubt that Catholics are eligible.

But no Catholic has been, in fact, ever yet elected ; in the subordinate officers employed by the Bank, there are a few instances of Catholics being admitted to a clerkship ; but the thing in Ireland which is most grievous is not perhaps the letter of the law, but the spirit in which the letter is acted upon : there are other instances in which the Act of 1793 rendered the Catholics admissible to offices not immediately under the government, to which they have never been admitted ; such for example, as the freedom of the city of Dublin ; yet there has not, I believe, been a single instance of a Catholic obtaining that right ; in general, the persons were too poor to enforce it. At my own expense, I found a man of the name of Cole ; and I got a peremptory mandamus from the King's Bench about five years ago, and from that until the present year the matter rested ; when we have again obtained a mandamus which will be returnable the next term : in a case in which the individual had been a Protestant, he would have been admitted at once ; and it was so sworn in his affidavit, and not denied in the affidavits of the corporation, on showing cause, as I recollect. In other corporations, the same adherence to the exclusion is still continued : in the corporation of Limerick, for instance ; but that was rather to keep it in the hands of a particular family ; the religion is mixed there with self interest. In Cork it is an inconvenience, but it is not so strict. I am not aware of any other corporation in which it has had that effect, because the corporations with which I am acquainted are not, in general, open corporations except Dublin. I am not acquainted with the details of the corporation of Waterford, but there are Catholic freemen there, and there are Catholic freemen at Cork. In answer to a question just now put to me, I have said that I attribute in some degree to the exclusion of the Roman Catholics from the Bank, the superiority of their wealth in Dublin ; and my reasons for thinking so are these : many circumstances have made me very intimately acquainted with the city of Dublin, and the commercial men in it : first my professional opportunities ; secondly, the political part that I have taken : both which causes have brought me into immediate connection with the Catholic mercantile men. The opposition to us has likewise made me tolerably well acquainted with the Protestant commercial men ; and these causes have given me a knowledge of what we call the liberal men. Now, from these causes combined, I am able to say, with a good deal of confidence, that the preponderance of the commercial wealth in Dublin is with the Catholic merchants. The spirit with which the laws have been administered in Ireland has not allowed these concessions

which were made to the Catholics in 1793, to go fully into effect, as the legislature intended. In the case of purchases made by Roman Catholics of landed property in Ireland, no exception is ever taken to the purchasing of lands, the title of which depended upon confiscation or forfeiture: on the contrary, in advising a purchaser to buy, as a professional man, I infinitely prefer that it should have been a forfeited property, and for this distinct reason, that then the origin of the title is easily traced; for after the usurpation, all those who obtained forfeited property took out patents for it, and therefore we easily find the patent, and direct the searches merely for subsequent periods: so that I take it to be an additional advantage in carrying an estate to market in Ireland, that it was a forfeited estate. I myself, in the small property I possess, have lands that are forfeited; and indeed, circumstances having placed me a good deal in the confidence of wealthy Catholics, and knowing a good deal of their purchases, I do not think I could call to recollection the purchases, by Catholics, of any thing but forfeited estates; and the instances in which they have purchased them are beyond a doubt very numerous: consequently the Catholic body, as a body, would have no interest in reversing the forfeiture, and the wealthy Catholics would be ruined by it; and the proportion of the property that never was forfeited must be extremely small. There is but one instance, within the scope of my knowledge, of a property that never was forfeited, and I possess that myself. I believe the whole of Ireland has been two or three or four times forfeited. The northern forfeitures were many of them in the reign of Queen Elizabeth; the southern were at the Usurpation, and again at the Revolution. During the reigns of James the First and Charles the First, there were immense forfeitures, both in the north and in Connaught. There were some in the reign of Edward the Sixth; but those were principally church lands.

The quit rents show pretty well what estates have never been forfeited. The distinction between crown rents and quit rents I take to be this: crown rents show where it was forfeited; quit rent, in its signification, was a kind of composition for a bad title, for quieting the title, and may exist as well after forfeiture as in lands not forfeited. I can also state from my own knowledge that there is a considerable sum lent out by Catholics on mortgages of estates, in addition to the land purchased by them. Except in Dublin itself, the Irish Catholics have not, until lately, got into the habit of placing their money in the funds; they have lent their money on landed security. Judgments and mortgages were, till lately, considered nearly equal in value in Ireland.

There is also a considerable proportion of the tenantry greatly interested in the present state of things, by the possession of very long leases: and on forfeited estates I am quite convinced that a measure so ruinous to all the wealth and property and in-

telligence of the Catholics of Ireland, as an attempt to get back for the old proprietors, if they could be traced, the forfeited lands, could not be devised; in short, it is a thing utterly impossible. I am convinced it would not only create general alarm, but that if they had the least notion it would be done, there is nothing which would excite civil war so soon.

As to drawing any comparison between the state of Catholic property now, whether landed or personal property, with what it was previous to the year 1778, I cannot do it: but it has increased enormously; and it is increasing every day: the Union has tended very much to increase the resident Roman Catholic property in Ireland; it drained off for every purpose of colonial government, and from the expectation of promotion in the army and navy, the Protestants; the Protestants being of a wealthier class, when the war prices fell, they could not bear to witness the misery which the Roman Catholic peasant endured from habit, and therefore they auctioned off every thing, and went off to America in numbers. These things, as far as I have observed, have a daily tendency to increase the resident numbers, strength, and wealth of the Roman Catholics of Ireland, as compared with the Protestants.

The Catholic commercial property was very much shaken before 1778, by the decisions, which made judgment debts discoverable; which means, that when a Catholic had a certain kind of property, any person filing a bill in chancery, merely stating the owner of the property to be a Catholic, and that he the plaintiff then was a Protestant, he was entitled to a decree for the property.

The state of the law before 1778 was such, that accumulation of property in the hands of a Catholic was difficult; of landed property impossible; but even of personal property, the moment they laid it out on any security affecting land. A judgment, in our county, is not a lien on land, but is convertible into a lien; and it was held that the convertible nature of the judgment into a lien on landed property, though not brought into action by what we call an elegit, still rendered it discoverable.

I have before stated that many Roman Catholics are very unjustly excluded from being members of particular corporations in Ireland, in the city of Dublin especially; and I understand Derry, but I may be mistaken: and I think by making it punishable by a pecuniary fine, to refuse the undoubted right of a poor man, and by giving double or treble costs, which would easily encourage respectable attorneys to speculate by advancing their own money to enforce the right, would be an excellent if not a perfect remedy, because it would go to the extent of the evil; perhaps if I had the preparing an Act of Parliament, I should propose some legislative provisions to facilitate the modes, so as to prevent the applicants from being defeated in matters of form, where in substance they were correct; but with the two things

together, preventing the right being impeded by mere technical forms in the corporation, with which by-the-bye a man who is not already in the corporation cannot be so well acquainted; and a provision of this kind, that every question of right should be the matter tried, and tried in one of the superior courts; for example, the court of King's Bench, and there need not be a better; the thing would perhaps approach to perfection; but we should not do any thing to encourage persons not entitled to the right, unjustly to claim it; that would be an evil.

But I apprehend it would be a beneficial regulation if, in every corporation, they were bound to examine the claims of freedom at the first meeting after the petition for freedom was presented, previous to doing any other business, save and except the election of mayor or sheriff; as that certainly would prevent what is called in Ireland "cushioning," a technical phrase, referring to the not deciding upon the claim at all; that is a practice which has been much complained of. I also think that if means can be devised to prevent the application of the corporate funds by the corporation to the vexatious defences set up against applications for freedom, that would have a beneficial effect: I would add, that it would be a great additional advantage if, where an unfounded resistance to a just claim was made, it might be in the power of the judge to certif. his opinion of the verdict, and then that the individuals should be themselves responsible, as well as the corporation funds; and that the corporation might have a remedy over for the costs which they were put to against the individuals; a legal provision to some such effect, would probably diminish the resistance to the claims of poor men.

I have known applications made for the franchise in Dublin and Limerick. Applications have been continued for many years; the Limerick corporation, being experienced in the modes of delay, have used an extreme deal of ingenuity to interpose delays; they have, under the appearance of fairness, instituted tribunals to try the right themselves, in the first instance; the real meaning of which is, a tribunal to exclude, in all possible cases, as many persons as possible.

In the case of a Mr. Kirkland, a Protestant, he has given proofs of what we call liberality; and that is almost as bad as popyry in the eyes of the corporation. But I do not know any thing of the foundation of his claim for admission.

In the case before the corporation of Limerick, in instituting the tribunal to try the right, I am sure they had nothing else in view but to defeat it; they have used every species of dexterity for years to avoid the trial of the right, and to leave the corporation and its property in the hands of an individual, who appoints the sheriff, and every thing of that kind.

On one occasion, in the case of "Lord Kiltartan against Mr. G. Pitt," a barrister, Pitt was sued as assignee of a covenant. The case was tried before my Lord Chief Baron; we, for the defen-

dant, challenged the gray of the jurors, on the ground that both sheriffs had been nominated by Lord Kiltartan, the plaintiff; and when the challenge was given in, a gentleman (I do not wish to mention his name) got up, and said in open court, "Do not persevere in that challenge, for upon my honour, for the last two or three years, my uncle has given me the appointment of mayor and sheriffs, and all the members of the corporation; and not my Lord Kiltartan;" this happened I believe about 1811; it was at least as early as that.

The corporation of Limerick has been the property of a single individual, its revenues and all; the corporation of Dublin certainly has not; it has belonged to a party, but not to an individual: they are parallel cases to a certain extent, the lines extend the same way, but they are by no means co-extensive. Upon the subject of Catholics sitting upon the commission grand juries in Dublin, I have heard of Catholics sitting upon the commission grand jury, but never on the term grand juries, in the city of Dublin, though they have certainly been eligible to that situation for the last 30 years; Indeed I do not think Catholics would have been on the commission grand juries, if they had any power of raising money, or the general power of appointing to various offices; the term grand jury in Dublin has a great deal of patronage, as well as the power of taxation to a great extent; it is, in my humble judgment, very badly constituted; there are men of very small property upon it constantly, while Catholics of great wealth who are taxed by those men, are never on such grand jury: at the same time I ought to say that there are rich Protestant merchants excluded; but if a rich Protestant merchant thought it wise to meddle in corporation polities, he might be easily upon it, unless he was a gentleman who took what we call the liberal side; but any Protestant merchant of wealth, who chose to meddle in corporation polities, would easily be upon those grand juries. The members of that grand jury are principally supported by officers under the police, aldermen, sheriffs and peers, and so on. In short those grand jurors principally consist of the corporation officers. Practically speaking, the great proportion of the wealth of Dublin is excluded from those corporate officers; because several of the wealthy Protestants do not think it worth their while, and not having an adequate object, to become corporators; whereas those poorer persons of whom the corporation is principally constituted make money of it, and have patronage, which is equal to money; they therefore devote themselves to the measures which bring them forward in the corporation; therefore I mean distinctly to say that a man in Dublin who is a Catholic, whatever his wealth and respectability may be, is more excluded from sitting on those grand juries, which have the power of raising vast sums of money, than a Protestant; for example, the law as it stands at present precludes him from any office in the corporation; a Catholic at present cannot be mayor, or sheriff, or alderman, or common council-

man; he cannot be master or warden of any of the guilds; he can hold no situation in the corporation but that of mere freeman; and as the grand jurors are constituted almost entirely of corporation official men, therefore they are infinitely less likely to be on the grand jury than Protestants of any class. And although I believe there exist as much dissatisfaction among the wealthy Protestants' community, at being excluded from those grand juries, as exists among the Catholics; still be it observed this dissatisfaction is imbibed to the Catholic by religious dissension, to a degree which increases the unpleasantness of the feeling a great deal; I am nevertheless of opinion, there is a remedy for those inconveniences that arise out of the corporation system of government, other than by a total change in the charter of corporation. I think by a fair and liberal spirit actuating the government, and particularly the not giving promotion in the various offices in the patronage of government, to violent partizans of any kind, much may be done to bring the corporation of Dublin to be practically useful; but I think, as the offices are given only to those who distinguish themselves in a particular way, it is a stimulus to the present course.

The government of Ireland, I take it, have complete control over the corporation of Dublin; for there are so many offices in the gift of government, removable at pleasure, to be given to Dublin corporators, particularly those connected with the police, that if the government chose to point out that they should shape their course in a different way, the thing would be done, as I conceive, very speedily. I know that some events have happened lately, which it is conceived, prove that the government have not that complete control over the corporation. It is very true the Irish government is divided; there is a certain portion of it whose power enables the corporation to act against another portion of it. A system against the admission of Protestants into any offices who do not maintain opinions favourable to the Catholic claims exists to that degree at this time that it would be utterly impossible for any man who entertained an opinion favourable to the Catholics, to become a sheriff of Dublin, on the contrary, no man can now be sheriff of Dublin who does not give an unequivocal pledge of his hostility to the Catholics. The majority of the aldermen are supposed to be liberal, or at least disposed to liberality. The sheriff is obliged to give a pledge of toasting at all public dinners, that which is considered, and intended, as an insult to the Catholic population, "The glorious and immortal memory." To drink that toast is considered a pledge of hostility against the Roman Catholic population of Ireland. In Dublin, and generally in Ireland, it is considered so, and as far as I have ever heard, intended as such; I never knew any man give it in public, that did not mean it so. "The glorious memory," is not the health of King William alone, for it is current in Ireland with the brass money and wooden shoes, popery and slavery, and a great deal more. I have known Catholics give the health of King William, as I should give it myself, as an assertor of the

principles of civil and religious liberty ; on the contrary, the high sheriff of Dublin drinks it, with a view to put down civil and religious liberty : and many of those gentlemen to whom I impute that, would be greatly astonished, if I formed any other notion of it. There is generally a meeting at Morrison's, previously to an election of sheriffs, of the gentlemen who influence the elections in the common council ; and no man has any chance, at present, of succeeding, unless he gives the pledge ; and when the corporation meet, it is announced openly, that he has pledged himself to give that toast. The corporation of Dublin means it as a sign of superiority and triumph, and that they determine not to allow the evil equalization of things that we are seeking for ; it is a kind of Shibboleth of party, denoting foregone triumph, and bespeaking future degradation to us. And those feelings are generally expressed in the toast as announced, and as appears by the newspaper reports, in the most offensive shape. We know of them, of course, only from the newspapers ; they are generally accompanied by very violent declarations of hostility to the Catholic claims. And what convinces me of its offensive nature is, that it was a kind of charter toast after the violation of the treaty of Limerick, and the enactment of the penal laws ; it was one of the pledges that kept men together during that period, when the Catholics were thus excluded, and all the invasions upon their properties and rights committed : therefore the Committee may collect, that it has not been taken up as a recent invention, for the purpose of insult, but merely persevered in, and felt more, as the government and the law have become favourable to the Catholics ; while the government was hostile to the Catholics, the individuals giving this toast were considered quite in accordance to the government, and not noticed ; but when the law put the Catholics, to a certain extent, under the protection of government, and we became to a certain degree subjects, the Orange party with their great and volunteer association going beyond the law, and threatening us beyond it, gave the toast an effect which it had not before. In point of fact, the Catholics used to take offence at it thirty or forty years ago. I have known among Catholic gentlemen, and persons of an Orange cast, quarrels arising constantly ; and their considering it a personal offence, and retaliating in an offensive manner on Protestants who pledged that toast in their presence. About thirty or forty years ago, the Roman Catholic gentlemen used to join in drinking the toast, "The glorious memory ;" after the year 1782, there was a better spirit created in Ireland between the Catholic and Protestant ; they almost forgot their dissensions ; and at that period, if "the glorious memory" had been given in the presence of a Catholic, he would have joined in it ; for, after all, the spirit of civil and religious liberty is as dear to us as to the Protestant. The Catholics at that period, fired over the statue of King William, and joined in it heartily. If I am called upon to state upon what facts I form my opinion that the corporation of Dublin were encouraged in illiberal

rality, by a portion of the government, I should say, knowing that there is a portion of the government of Ireland what we call "liberal," and a portion which we call "illiberal, and seeing that the men get promotion in the city of Dublin, who belong to the illiberal party, I think, to my mind, there is not so decisive a proof of encouragement as giving office and emolument.—It is not pleasant to name individuals, but I will name Alderman Darley for example; he is notoriously an extremely illiberal person; he has lately been promoted, by getting an additional office, estimated at 760*l.* a year; Alderman Fleming was the rival candidate, but Alderman Darley was preferred by the illiberal and more powerful part of the Irish government; the contrast between the two is very striking to us, and yet Alderman Fleming's liberality was not so very decided, that it ought to have much injured his promotion. That is not the only instance; but take them all round, I do not think you will find one of the liberal party in office; at least it does not strike my recollection, that there is one of the liberal party holding one of the offices government bestows. Alderman McKenny is totally excluded; Alderman Harty, who is liberal, is totally excluded; Alderman Smyth, I believe, has got no situation under government, and he is liberal; and I undertake, if the names are mentioned of those who hold the offices in the gift of the Irish government, they would all be found to be the *fiery* partizans of the *Orange* faction.—How many cases have occurred during Lord Wellesley's administration I cannot state, but all that occurred were of that description; it would however be unfair to attribute it to Lord Wellesley personally: nor can I conceive any reason why Alderman Darley should be preferred to Alderman Fleming, beyond differences in their religious opinions; I am not in the state secrets; but I believe Alderman Fleming to be a very worthy man.—Attending Orange lodges is not to my mind a criterion: at the same time I would not be understood as saying, in the discharge of his duty as a magistrate, Alderman Darley has ever shown any favour or partiality to a Protestant, rather than a Catholic; but certainly I would rather be an Orangeman than a Catholic if I was going into his office.

Alderman Darley was an Orangeman notoriously; some years ago, he was the person that immediately after the King left the room, when he was in Ireland, gave the offensive toast, insulting the King himself, the strongest instance imaginable in my judgment, so that it is not my opinion merely, but is founded on facts of a decisive and unequivocal nature.

Strictly speaking, an Orangeman is a person who has been worn according to the ceremonies, which vary in the Orange lodges; there have been, as I understand, five or six variations in the signs and pass-words of the Orangemen; they were of a worse character, as I understand, formerly; and they have become more mitigated in latter times. The Orange system is, to my judgment, something formed upon the FREEMASONRY: there is a

grand lodge in Dublin, there are lodges held in the country and affiliated from the grand lodge. No man, strictly speaking, is an Orangeman, but a man, who at one time or other, had the password and sign, and had taken the Orange oath, so that he could go into a lodge, as a Freemason may go into their lodges: that is in strictness my opinion of an Orangeman. There are *outlyers* who do not belong to a lodge, and I never considered those persons, though we may familiarly so term them, as Orangeinen; the numbers are so much exaggerated by the partizans, that I am not able to form a very decided opinion upon it; I take it, there are from twenty to twenty-five thousand men affiliated in the lodges in Ireland; I must, of course, speak from conjecture on that subject.

In applying the term Orangeman in all the discussions which unfortunately take place in Ireland, gentlemen who take part in them, confine themselves strictly to the persons who are members of that society. There is nothing better marked amongst us than the distinction betwixt Protestant and Orangeman; for myself, some of my nearest relations, and most of my dearest friends, are Protestants; it is universal, down to the lowest peasants, to discriminate between Protestants and Orangemen in the southern provinces. We make a distinction between Protestants and liberal Protestants; but we make a marked distinction between Orangemen and both those classes. A liberal Protestant, in Ireland, is an object of great affection and regard with the entire Catholic population; amongst ourselves, we always talk of him as a protector and a friend: a Protestant who is not an Orangeman, is spoken of as a stranger merely would be, but without feelings of hostility: the Protestant who is an Orangeman, is considered as decidedly an enemy, and the extent of that enmity depends upon the peculiar education and habits of the individual who speaks of it; the peasantry speak of them as of *Exterminators*, I mean, of a sworn or affiliated Orageman.

The word Orangeman is frequently applied to persons who, though not members of an Orange lodge, are known by the violence of their principles, to be fit to belong to it; but not indiscriminately to such Protestants as are adverse to the Catholic claims. There are many Protestants who are adverse to the Catholic claims, and are not considered as Orangemen; no man is considered an Orangeman, who has not shown some activity in his resistance; and who has not, or been supposed to have, marked a distinction between Catholic and Protestant, or, who is not at least accused of it. According to the information I have, and the impression made upon the Catholics, and those in particular who take an active part upon the subject, is, that there are a number of Orangemen in the magistracy of the north; but the great evil which is complained of, is the number of Orangemen that are in the armed yeomanry: my opinion is, the greater proportion of Orangemen in Ireland are in the yeomanry corps; the facts upon

which I justify that opinions are, the complaints to me privately and through the Catholic clergy. The information I receive, of acts of mal-administration of the law, and partiality, and of oppression of Catholics, and of favour shown to Orangemen; such are the sources of my information, and are my grounds for the opinions I express. I consider the dissensions, which unfortunately prevail between Orangemen and Roman Catholics, as instrumental in aggravating the disturbances in Ireland, and tending much to continue them, particularly by reason of the notion that the government was connected with the Orange system, and by that means, creating a *recklessness* in the minds of the peasantry, and exciting a perpetual and irremediable hostility, while the Orange system shall last; but the causes of the disturbances of Ireland lie much deeper—they are created by the peculiar state of the country, by *poverty*, the nature of *tenure*, *tithes*, *church rates*, and *various other matters*. I do not think the Insurrection Act not having been applied to any one of the northern counties (there being no instances in which it has become necessary) affords a presumption, that the dissensions between the Protestants and Roman Catholics have not been, in any considerable degree, the cause of the necessity of applying that Act; because, there are more resident gentry in the north, and there is less disturbance where there are resident gentry. There is a constant application of armed force in the north. The Catholics in the north are, I believe, more organized into *ribbon-men*; and the *ribbon-men* do not, if I may so say, choose to *fritter away their strength* in those driftless acts of outrage, which the peasantry in the south do. With respect to the stability of the country, if a foreign enemy were to invade it, the north is in greater danger from its Catholic population than the south: they are better organized. We have a great deal more trouble to check ribbonism than to check white-boyism in the south: by we, I mean the Catholic Association, and those who have taken an active part in Catholic politics. And I consider the insurrectionary movements, which have taken place in the south, quite distinct from ribbonism; the only feature they have in common is, that the insurrectionary movements in the south, were also coupled with secret association, and oaths of obedience and secrecy: they have that feature in common. It is astonishing to what a degree of fidelity an Irish peasant obeys his oath of secrecy.

In speaking of the influence of the Orange association, in producing mischievous consequences in Ireland, I think the Ribbon associations owe their origin entirely to the Orange associations; and I even think, that if the Orange processions alone were suppressed, that would go very far to suppress Ribbonism; but the men excuse themselves thus:—that they must be prepared for the next twelfth of July, or fourth of November, or Derry-day, or whatever they call it, when the Orange procession is to take place. I can't say, precisely, at what time the Ribbon-association began

in the north of Ireland : my own opinion is, that it is a continuation of the *Defender* system, which immediately ensued on the original formation of the *Orange association* in the north, and was connecting itself with the French Revolution, looking at a complete revolution in Ireland, and a separation from England. The *Defender* association was at first confined to the lower classes, but had the bad feature of being almost exclusively Catholic, as the *Ribbon* system is exclusively Catholic. Before the *Defender* system was put down, the *Presbyterians* joined a good deal among the *Defenders*, and thus combined, they mixed with the United Irishmen ; since that period, in proportion as the *Orange* irritation increased in the north of Ireland, so has that of *Ribbonism* increased ; they act on each other : the existence of *Ribbonism* makes it necessary for one, perhaps, to become an *Orange* man ; and the existence of *Orangism* has certainly created many *Ribbon-men* ; and it appears, that the outrages that have taken place in the north of Ireland have generally, and I have looked at them pretty closely, originated with the mere insolence of triumph of the *Orangemen*, speaking of the lower classes of them. In their lodges they work themselves up into a great hatred of popery ; they go out armed with muskets and ball cartridges, and at the slightest sign of disrespect to them, they fire at the peasants ; to fairs, for instance, where men of both political feelings assemble, the one party goes armed and the other is unarmed, I have not the least doubt, that if it were made the subject of inquiry, it could be established, that although both parties go equally unarmed, that the *Orangemen*, in general, leave their arms in a dépôt, about a mile or half a mile from the fair. In the evening, a riot is easily excited, and the *Ribbonmen* are equally willing to commence it with the *Orangemen* ; then the practice has been for the *Orangemen* to *retreat upon their arms*, and take their arms and shoot away, and many lives have been lost : names of the places are not familiar to me at this moment ; but in the county of Monaghan, six or seven lives were lost, about eight years ago, in that way ; but I have no hesitation at all in saying, that in the course of a week I can give many names of places where that occurred ; the facts, themselves, have come to us very distinctly. In the case of the riot at Monaghan, the *Orangemen* formed a dépôt of arms. There was a Mr. Kennedy, the son of a Presbyterian clergyman, arraigned for being accessory to these murders ; but he was acquitted, and I believe honourably acquitted.

I do not think the *Defenders* created the Rebellion in 1798 ; the *Defenders* were merely organized when the *Orangemen* were desolating the country. The *Orangemen*, described by Lord Gosford in his speech, turned six or seven hundred families out of the county of Armagh, by wrecking their property, and in many instances undermining their houses, and threatening them with Hell or Connaught, without any other cause whatsoever but

their being Roman Catholics ; to resist that persecution was the origin of the Defender system. The Defender system, as I understand, commenced as a re-action to that, and as a protection from that kind of system. And so far from its being a matter of notoriety in Ireland that the Orange Association did lend material aid to the government, in defeating the conspiracy at that time, my opinion is very much the reverse. The rebellion of 1798 commenced with the *Presbyterians and Dissenters* as *United Irishmen* ; the upper classes of the Catholics had no kind of connexion whatever with it in the north ; when the *Dissenters*, who had been united Irishmen, were defeated, especially at Saintfield, and after the murder of Lord O'Neil by them, then they got protection by becoming *Orangemen*, and they joined most heartily in prosecuting and bringing to deserved punishment, in many instances, men who had joined them in rebellion ; but I think the rebellion of 1798 was very much brought to *explode*, to use an expression employed by an Orangeman in the Irish parliament, by reason of the *'Orange lodges* and the *Orange system*. The leading United Irishmen were almost all *Presbyterians or Dissenters* ; in the north the lower classes of United Irishmen were at first almost exclusively *Dissenters* ; it spread then among the Roman Catholics, and as it spread into the southern counties, and of course, as it took in the population, it increased in its numbers of Roman Catholics ; in the county of Wexford, where the greatest part of the rebellion raged, there were no United Irishmen previous to the rebellion, and there would have been no rebellion there if they had not been forced forward by the establishment of Orange lodges, and the whipping and torturing, and things of that kind. There were many Roman Catholics in the ranks of the United Irishmen, but it is a singular fact, that the number of Roman Catholic gentlemen who were engaged in the rebellion of 1798, was extremely few. At that period, the Defenders and Orangemen were openly engaged in the field. The Defenders have become United Irishmen, and they joined the Dissenting United Irishmen ; I have heard, that the Defenders were originally Roman Catholics, and the Dissenters came amongst them ; and then Defenderism merged in the United Irishmen, and of course the Orangemen being at the side of the government in the rebellion, the Defender was coalesced with the united Irishmen, and being United Irishmen, were of course engaged against the Orangemen. But I do not think the ill-will existing in the Roman Catholic peasantry, in the present day, towards the Orangemen, originated in any thing of that kind. An Irish peasant is not a speculative character ; he has not leisure for much speculation ; the practical and continued instance of insult and triumph over him, is much more likely to stimulate him than any thing of that kind ; and I am sure they have totally forgotten the rebellion, and all interest in it. I have seen the printed oaths of Orangemen, and I had

the hill? There are

raeter, if it occurred to me at the time I would have published the terms on which the information had been procured ; I would not do any thing derogatory to any human being, without giving him perfectly fair notice at the time : I originally published that which has been mentioned ; I also distinctly mentioned that I had given money for the information, and that I was to give more. If Lord O'Neil were to protest, or any other respectable Orangeman in Ireland, denying the fact, that this ever was a part of the oath of an Orangeman, I would believe that he would not assert positively that which was untrue ; but this would remain on my mind, that the lower classes of Orangemen indulge in a system, and have tests and pass-words, which an honourable member who has declared himself an Orangeman, (Mr. Brownlow) I am quite convinced would be incapable of acceding to ; I would not think existence worth having, if I could believe a gentleman of rank and station could assert on his honour what was not strictly true ; but this I will say, I never heard of an Orangeman supporting the Roman Catholic claims : nor is it a popular opinion in Ireland, that all the members of the House of Commons who resist the Roman Catholic claims, are Orangeman ; but it is the case. Many of the members have the credit of being thought Orangemen ; Mr. Goulburn is called an Orangeman in Ireland. I never heard that Mr. Leslie Foster was an Orangeman, nor do I believe that he is. As to Mr. Goulburn my opinion is, that he is not at present ; certainly not since the Act of Parliament. I heard from a person of high credit, that Mr. Goulburn said in his presence, that he had taken the Orange oath. But if I had the honour of hearing Mr. Attorney General (Mr. Plunkett,) say so, I would be most thoroughly persuaded of his veracity ; or if it were denied by any body that was authorized to deny it, I should cease to believe Mr. Goulburn to be an Orangeman. I never heard that Mr. Dawson was an Orangeman, he is reckoned bad enough, but not so bad as that. Mr. Dawson is a gentleman whom we expect, one day or other, to be voting for the Catholics. I am not without my hope of it.

As to the extent of the population in Ireland, my impression is, that it must exceed eight millions. The parliamentary returns made it nearly seven millions. I am convinced that is extremely under-rated in the county of Mayo. I have reason to believe, that during the distress of 1822, there were some lists made by two gentlemen, peculiarly accurate in taking down the names of the persons relieved there. There were jealousies amongst those that received the English money, and they were therefore cautious in taking down the names of persons relieved. I mean the charity fund ; the "English money" is another name for the charity fund. I understand, that the number of persons relieved by name, exceeded the Parliamentary return by some-

There appeared in that county, 2,000 Protestants relieved, eleven thousand more than were relieved in the entire county.

It would be difficult to determine the actual number of Protestants now in Ireland; it must be matter of conjecture to ascertain even the number of years past, a manifest increase is to be observed in the number of Catholic and Protestants, a very great increase of the Catholics, and a positive diminution of the number of the number of Protestants in the northern districts and counties. The amount of the Protestant population in the different provinces, varies considerably of course, and the Catholic population is increasing in all. We were anxious to ascertain to moderate the Catholics and Protestants throughout the country. If there had been perfect tranquillity, and no danger of the thing being abused, it would have been done by the Catholic Association; but in the southern counties the Catholic population is enormous. It is impossible to say what is the most Roman Catholic county in Ireland. Waterford is an extreme Roman Catholic county; Kerry, Cork, Limerick, Cork is such a very Roman Catholic county; and there are a great number of resident Protestant towns. In many of the counties are very Catholic counties. The proportion of Roman Catholics to Protestants is the same, or nearly the same in the counties I have enumerated, it is nearly the same in my own County of Louth, in the county of Kerry, the same. In my own County of Louth, in the county of Kerry, the return of the population, as I remember, was 14,680; there are about 22 Protestants, and there are no Protestants in the world less apprehensive of Roman Catholics, or Papists, than they are. We are in perfect harmony. In the county of Kerry, the proportions of Protestants to Catholics are fifty to one, and probably a hundred to one, in the whole county. There were many Protestants formerly, whose families have become Roman Catholics. Before the elective franchise was extended to Roman Catholics, the Roman Catholics had Protestant freeholders about them. They brought in Germans called Palatines, in the south; all the family descendants of those persons have become Roman Catholics, almost without exception.

Speaking loosely, with respect to difference between the religious classes in Ireland, from my notion of the population, I should think that if there were an enumeration, the Protestants of Ireland will not be found to amount to any thing like a million, including Quakers and Presbyterians of every class. Of that number, I should conceive one half belonged to the church of England, but not more; the number in the church of England is, I think, increasing in the lower classes of Protestants, and increasing in the higher. With respect to the relative proportion of property held by Protestants and Catholics, the only thing I can say upon that is, that the amount of teesample estate in the hands of Pro-

testants is much greater, including the estates of absentees ; but I know that the relative proportion is diminishing daily, by the increase and acquisition of landed property by the Catholics. But with all that, it would not be too much to say, that the property of estates in fee in the hands of the Protestants was, as compared with the property in the hands of the Catholics, as ten to one throughout Ireland. My opinion is, that certainly the Catholics are not seized in fee of more than one-tenth of the country, if so much ; but the derivative interests diminish the balance of Protestant property very greatly ; and I should be surprized if any person was to say that there are counties in Ireland, in which the Protestant population, as compared with the Catholic, is three to one ; and I should be convinced in my mind that that individual, if he was one of credit, was himself misinformed. I have no doubt upon my mind, that there is no county in Ireland in which the majority is not Catholic ; and even where Catholics were, to a certain period, totally excluded. Until lately, the Catholics were not admitted into the town of Bandon, they are now the majority ; until lately, they were not admitted into Derry ; they are nearly equal, if not equal at present, according to a return which I saw some short time ago.

When I say that the members of the Church of England are, with respect to Presbyterians, as one half of the whole Protestant population, I do not mean to convey any idea of correctness or accuracy; having to answer the question, I must answer it as nearly as I could. Upon the subject of registering freeholders, I have registered freeholders ; the expense was merely the expense of taking the people, paying their expenses to the place where they were registered ; the professional man who filed the forms, did not allow me to pay any thing ; but I think it is a shilling that is to be paid to the clerk of the peace : but I have known many instances in which landlords have not registered their freeholders ; and I have known many instances in which the freeholders have paid the shilling to register themselves ; and I know the peasantry are anxious to register themselves, and feel the value of it : they feel that it makes them of importance ; they must, once in seven years, be courted ; and in the mean time be attended to : and even the landlords themselves court them when the election is going on. I do not think they speak to them individually, but I know that they court them, which was my expression ; the driver and the land-agent go round to them ; I have heard the term "drive them in to vote ;" and I have seen it done ; that exists, I am told, a good deal in Connaught. There are many places where the freeholders are under such obligations to the landlord, that they cannot refuse to vote as he pleases ; so much so, that they are in many instances considered part of the live-stock of the estate. In those cases, the franchise is of value, for it gives, where it is *bona fide*, a term for life ; and

in Ireland, where land is so valuable, the peasant having a long term, it is always valuable.

The tenure is a freehold, whether it is a man's own life or any other life which is in the lease. They say that any uncertain interest in point of law is a freehold for ever, for a life or lives, no matter of whom, but no number of years. But it is the common practice where a farm is gone out of lease, from the landlord not being able to determine immediately how to dispose of it, for the tenants to remain as tenants at will for a certain time; and there is a great anxiety on the part of those tenants to have leases. All the peasantry in Ireland are extremely anxious to get a lease; and for this reason, they have so little capital that they have very little to lose, if the times should fail totally; and if the times should rise, the advantage of the tenure is great; the elective franchise forms a part of that desire; those who take political interest in the event of an election court the freeholders universally; but, conceiving I understand the drift of the question, I have not the least hesitation in meeting it, if it is put directly. It relates, I conceive, to the Catholic clergy; and I should say, that until recent periods, they scarcely courted the freeholders at all; at present, and for some short time, they have; and I think they are now much in the disposition of courting the freeholders; and I think, one cause for that increase of disposition is an increasing intelligence among the priesthood themselves; an increasing sense among the Catholics generally of their degradation and the injustice done to them; an increasing or increased unanimity amongst the Catholic body, enabling us to work more together, and to use, for what we conceive legitimate political purposes, all the influence we possess, the deep and settled anxiety on all our minds to procure emancipation, that is, an equalization of civil rights; it was successfully, and I think usefully exerted in Sligo. I have known it exerted in the city of Cork with great success, in the return of Mr. Hutchinson: to a certain extent, but not near so much as is supposed, it was used in the county of Dublin. But it is right to add, that I never knew an election yet, in which the Protestant clergy did not take a most active part, from the first to the last, purely because it was unnecessary: we laymen did it ourselves. In Cork, it was principally managed by one of the cleverest, and I think, one of the worthiest men I ever knew, the present Roman Catholic Bishop of Charlestown in North America, the Right Reverend Dr. England. And here I would beg to observe, upon any subject connected with the Catholics of Ireland, their religion, or clergy, that I have not the slightest delicacy in giving the fullest and most entire information in my power, to the utmost extent; I have not therefore the least objection to specify any thing I know; and if I have a desire, standing here, it would be to be probed to the fullest extent. Therefore if it is the wish of the Committee, that

I should specify the modes by which the priests approach, and influence, and command the votes of the freeholders, they are that of persuasion, by pointing out to the people the distinction between the candidates ; as for example, showing them that one is likely to vote, or has declared he will vote against the Catholics ; that the other has declared he will vote for their political interests, but by persuasion simply ; but never in any instance within my knowledge or belief, and I am convinced it never has existed, have any of the rites, or ceremonies, or sacraments of the Church been prostituted for that purpose, or directed towards it in any tendency.

I did hear that at the last General Election in 1819, the Roman Catholic priests had threatened to excommunicate any of those who voted against one of the candidates, but I was quite apprized that it was perfectly unfounded ; it would be very easy, on this subject, to give the most decisive information. I am quite sure that a Roman Catholic priest has not a right to excommunicate for a mere political matter, and he would, if he did, instantly lie under an interdict by his Bishop ; there is not one who has a franchise, who would not know that an excommunication for any political matter, would be *ipso facto* void. I have known instances of Roman Catholics having been ruined by their landlords for having voted against them at elections ; but I do not think the Roman Catholic tenantry would be likely to endanger their ruin in consequence of such persuasion as you refer to ; for in the county of Cork, one gentleman, adverse to the Roman Catholic interests, would bring five or six hundred Roman Catholics to vote for a member, who in Parliament would vote against the Catholics.

The clergy, when they take a part in elections, have influence ; and I beg to repeat, that it is only latterly, I think, that the disposition is increasing in Ireland, in consequence of the state of affairs, but they make part of the Catholic influence, aided by Catholic laymen ; and I think that mere persuasion would induce the tenantry of an Irish landlord to incur the risk of his displeasure. I have seen intense interest in a forty-shilling freeholder, and he is after all so near the labourer, that if his feelings are warm he will make the sacrifice, and become a labourer ; and then, on the other hand, the persons in whose interest he has voted, will be induced to pay a year's rent, which is the utmost that can be due of him, and his landlord has no dominion over him. Nor do I believe that the clergy have recommended it as a duty due to their religion, and as a service well pleasing to heaven ; nor have they recommended it more than I should myself ; I think they have said, you are a Roman Catholic, and a man has asked you to vote who will vote against you ; it will not be just and honest to vote for a man who, in Parliament, will vote against you ; and even then, its influence would depend upon the sort of man the Catholic clergyman was, if he was a man devoted to the duties, it would have a

great effect ; where he was at all relaxed in his conduct it would not have the least. As to the Catholic clergy in Ireland, their influence is increasing very much, from causes, in my judgment, creditable to them ; they are educated at a much earlier period of life from being educated at Maynooth, and having early education ; and we conceive the Irish people have a propensity to make good use of their opportunities of learning ; they have become a much better class of men than they were formerly. And in the existing state of things in Ireland, I conceive the interference of the Roman Catholic clergy in elections is advantageous : I know they never interfere in doubtful or mixed cases, and that they interfere only where there is that decided hostility on the one part, and decided advantage to Catholic emancipation on the other ; I think it is to that extent decidedly advantageous, because I cannot conceive any thing more degrading than an unfortunate Catholic peasant brought to the poll to contribute to the return to Parliament of a man who will vote against Catholic rights ; I cannot conceive any thing more derogatory to human nature than that. But if the question of emancipation were carried, I am convinced that the influence of the Catholic priests would be totally at an end ; the causes which give it efficacy at this moment would thereby totally cease ; there is not any thing like a blind submission of the Catholics to their clergy, not at all. At the same time I think it would be unwise in government, if emancipation were carried, (and until it was carried, the Catholic clergy would not accept of a provision) to leave them unprovided ; and I think it would be extremely wrong in the government, to give them any part of the revenue of the present church establishment, and that they would not accept of it ; but I think a wise government would preserve the fidelity and attachment of the Catholic clergy, by what I call the golden link, pecuniary provision ; so that the government should be as secure, in all its movements towards foreign powers, of the Catholic clergy, as they now are of the Protestant clergy ; that they should be, in short, a portion of the subjects of the government and the state identified with them ; and I am firmly convinced that if the question of emancipation was carried, and there was an election to take place, in which a Protestant and a Catholic were candidates, the Catholic priest would not interfere, if he were a respectable man ; and if he did, his influence would be lost ; it would be ascribed to political motives, and he would lose his character with his flock. The Catholic laity of Ireland are most decidedly adverse to any other establishment of their clergy, than that which they would wish the government itself should give them, by way of donation ; because our wish would be, that the government should have proper influence over them, which a certain pecuniary connection would give. Our wish would be, that the government should be strong by the combination of the subject. Our anxiety is, to become subjects out and out, as the Protestants are. And I am

convinced, on the part of the Catholic clergy or laity, there would be no objection to receive stipendiary support from the state, provided the ecclesiastical subordination of the Catholic clergy was still kept up, so as not to create an independence in the priesthood; an independence which certainly would be resisted by the bishops, and by the laity, as destructive to religion; and an independence which would be equally injurious to the state, by creating dissension, and differences, and heart-burnings, and one that could not well be realized. The mode of provisions should be regulated by the bishops; they should be the persons to come into contact with the government. There are not in the world a set of men more disposed to be perfect friends with the government than the Roman Catholic bishops. But I conceive it impossible for any proposition for the payment of the Roman Catholic clergy to be acceptable, either to the clergy or the laity, independently of the question of emancipation. It would be, in my opinion, an additional cause of irritation, to give the clergy a provision before the Catholics were emancipated. I have had communication upon this subject with the clergy high in the Roman Catholic church of Ireland. There will, some of them, be in town; and without pledging myself at all for them, I am warranted in saying that their sentiments coincide entirely with those I have the honour to express. I have had communication also with prelates who are now no more. I have their opinions, particularly those of the late respectable Catholic bishop of Kerry, in entire coincidence with those I have expressed; he was anxious for that arrangement, and I am sure from the purest motives.

My opinion, therefore, decidedly is, that coupled with, or following emancipation, it would be acceptable, but not preceding it; and my humble opinion is, that it would be a most desirable thing, to have that species of settlement take place after emancipation.

And if emancipation were conceded, and this settlement made, the probable effect, in respect to the general administration of government, and in respect of the general tranquillity of the country, would be precisely this, that the Catholic clergy would become in the nature of officers belonging to the Crown, forwarding the views of government in every case where there was not something that revolted in general, such as harsh or unconstitutional illegal measures; but that the general tenour of their conduct would be decidedly in support of government, and perhaps that, even in instances, theoretic friends of the constitution would not wish for: I believe the propensity of the Catholic clergy is very much towards an unqualified submission to the law, and to the government whatever it may be.

I have before said, that some political measures are neces-

say, in my opinion, such as lessening the dominion of landlords, making it obligatory upon them to select better tenants, and various measures of that kind; and with those political measures, I am decidedly of opinion, there will be every prospect of order in every part of Ireland, if emancipation was honestly looked into.

At present, the statute law of Ireland gives a landlord most unlimited power over his tenants, to impoverish them totally, and then turn them out at once: if those laws were altered, and the landlords were left a good deal to common law, they would be obliged, for their own sakes, to seek for persons of character and solvency, and not to hold an auction, as they do so frequently at present, allowing the highest bidder to take the land, without reference to his character: how far such an arrangement would do away the opposition of the Protestants of Ireland to the measure of Catholic emancipation, I cannot tell. Where the opposition is, as I presume it is in some instances, conscientious, it would still, perhaps, remain; but my own opinion is, that the great majority of the Irish Protestants, who are unconnected with local interest and electioneering purposes, and corporations, and influences of that description, are already favourable to emancipation: I know an immense number of the independent portion of the Protestants of Ireland are favourable to that measure.

Upon the subject of the present amount of payment of the priests throughout Ireland, I should suppose 150*l.* per year would be a high average for a parish priest himself, independent of his curate. A curate, if he resides with the clergyman, has 20*l.* or 30*l.* a year, with his horse kept for him; if he does not reside, he has one-third of the benefice of the parish: every Catholic clergyman must have a horse, for he is liable to be called out every hour of the day or night; the average for the priest, therefore, independent of his curate, I should think high for a clergyman; therefore, I should think 200*l.* a year for a parish, would be a sufficient sum to cover the expenses of priest and curate; and there are about 2,500 parishes.

The bishops have generally parishes; they could not subsist without them.

What should be the stipend of the bishops, is a very delicate subject; but I should think eight hundred or a thousand a year, and an archbishop fourteen or fifteen hundred.

The present sources, from which the income of the Roman Catholic clergyman is derived, as well as I know, is this:—speaking of the country parishes, there is an obligation in Ireland of going to confession and communion twice a year, at Easter and at Christmas, including same period before and after East. r, and before and after Christmas; they get, in general,

two shillings a family at least, and where they are more solvent, two shillings from the man, and two shillings from the woman, at each of those stations; they do not get it at the time of confession: confession cannot be connected with money, because, as the absolution is a portion of the sacrament of confession, it is necessary in the Catholic church, that it should not be at all connected with money. They expect to get something at each christening, a shilling or two: they get £x. in general for each marriage; then the wealthier Catholics pay a pound or a guinea; then they get money for saying masses for the dead; and after a person of any solvency, or a more decent farmer, has died, his relations make it a point of piety to have masses said for him, and contribute for that purpose; the priest says those masses at his leisure. It was usual at marriages, and still subsists at some places, that a collection is made by a friend of the man or the woman; frequently by a friend of the man among his friends, and a friend of the woman among her friends; and during the war, when the peasants were solvent, there was a rivalry among them which should give the priests most.

In alluding to the benefit which had been derived from the education at Maynooth, I think the persons who have derived their education at Maynooth, are superior to those who had been educated elsewhere; in point of information, and in point of allegiance, under a proper system, they certainly would be; because, foreign education of the priests may be made a dangerous instrument; and I have some reason to apprehend, that that danger is not quite visionary: at this moment those educated at Maynooth are better educated; for no one could go into the priesthood, formerly, young; they must have remained until they were twenty-three and three months before they could be priested: they could not go abroad before they were priested, for though they got foundations, it was necessary for them to have the benefit of masses in the churches where they were founded, to contribute to their support; so that education, properly speaking, began about the age of twenty-four; whereas, now, at Maynooth, it begins at the earliest periods, and when they enter Maynooth at seventeen, they must be very excellent scholars; and the system of exclusion from every thing but their studies and collegiate duties, is very strictly adopted.

Upon the subject of the qualification of votes, so far from thinking that there are any persons at present upon the register books who are by no means fit persons to enjoy the elective franchise, I have a very strong notion of the advantage of extending, under proper regulations, so as to avoid tumult or undue influence, the elective franchise. I do not know any householder to whom it would be improper to give the right to vote, if the mode of taking the vote was well managed.

That the system of forty-shilling freeholds, connected as it now is with the law between landlord and tenant, is such as to insure fair representation would be saying too much ; but it has its advantages and disadvantages ; it gives to the owners of great estates great influence, that I believe is a good deal in the spirit of the modern practice in Parliamentary representation ; it opens the door, however, for considerable frauds ; and though I am quite convinced of the frauds, I see great difficulties in altering it.

I should be glad, though it is a very crude opinion, if the qualification were five pounds.

Conceding Catholic emancipation, in the spirit in which it ought to be conceded in order to be useful, I think the inhabitants of Ireland would be so connected with the government, and the present distinction so much abolished, that whether forty-shillings or five pounds, would be a question equally affecting Roman Catholics or Protestants, and that the Catholics would be satisfied with any arrangement which the Protestants were satisfied with. Nor am I of opinion, that such an alteration of the qualification would, in effect, diminish the body and influence of the Roman Catholics. I do not think raising it to 5l. 10*l.* or 20*l.* would diminish the Roman Catholic influence. The occupiers of the soil are almost all, or so many of them Roman Catholics, that 10*l.* or even 20*l.* would not make an essential difference in that respect, and might have a contrary effect ; for the forty-shilling freeholders are more the property of the Protestant proprietors, and it might weaken what might be called the Protestant interest, to increase the qualification. But in speaking of the alteration of the franchise, as far as I know of cities, the forty-shilling freeholder is that which ought to be allowed to subsist.

Where there is concurrent right in freemen and freeholders, the effect of the alteration of the elective franchise of the freeholder would be, to throw a kind of superiority in the hand of the freeman ; and I know of no city or town that, in itself, has the right of representation in Ireland, in which the freemen do not vote. Mallow is not an exception, for that is a manor, not a mere town.

In the event of the qualification in cities being raised, the effect would be, to place the return in the hands of the corporation of those places, completely and irretrievably ; and such a measure as that would give great dissatisfaction to a very valuable class of people, commercial men.

It might be desirable that the forty-shilling freeholder, or indeed any freeholder holding his free-hold by lease, should not vote, unless his rent had been paid ; but there are great difficulties about carrying it into practice ; I think it would be a great advantage, if practical. It would raise the free-

holder to a more independent situation, and would be, I am convinced, upon the whole, a decided benefit to the system; the only difficulty is the mode of carrying it into effect. In England, I understand that the greater part of the forty-shilling tenures are fee-simple tenures, where the persons who possess the votes have absolute dominion, and are not therefore the property and serfs of any other person; in Ireland, it happens that they are made freeholders for election purposes; and it seems to my mind, that they make the same distinctions as in corporations, regular freemen and occasional freemen. If therefore, the state of society, with reference to rural arrangements in Ireland, was to be more assimilated to that which exists in England, the objection to forty-shilling freeholders in Ireland would in my mind, be totally done away; in my humble judgment, it would not be at all right to meddle with them; I have not expressed any opinion favourable to raising the franchise at all. I think the progressive improvement in Ireland is such, as is calculated to do away a great deal of the inconvenience of the present system, and to render it quite unnecessary, if it even were necessary to make any alteration, certainly unadvisable.

In consequence of a question proposed to me by an honourable member of the Committee, respecting the Orange lecture, I thought it right to look out for the entry of that which he alluded to, and I have brought it here; it is what I got as the Orange lecture, taken from the 68th psalm, and it entirely confirms his statement of it; with the permission of the Committee I will read it:—

“From whence came you?”—“From the deep.”

“What deep?”—“The deep of the sea.”

“Whither go you?”—“To the hill.”

“What hill?”—“Even an high hill as the hill of Bashan.”

“Who shall conduct you thither?”—“The Lord, of whom cometh salvation.”

“Have you a pass-word?”—“I have.”

“Will you give it to me?”—“I did not obtain it so myself, but I will divide it with a true brother, knowing him to be such.”

Then the querist, “Begin.”—Answer, “No, do you begin.”—Querist, “Re,” Answer, “Mem.” Querist, “Ber. Re-mem ber.”

This is the entrance pass-word, and is accompanied with three knocks. The grand pass-word is “Sinai.”

The sign is made by putting the fourth finger of the right hand to the mouth. The answer is, by the other person placing his right hand upon his left breast.

I beg leave to add to that, that of course my own private belief goes entirely with the assertion of the honourable member, being

quite convinced that he would say nothing of his own knowledge but what was perfectly true; and if I shall ever have an opportunity of speaking upon this subject again in public, I will take care to accompany any thing I say, with the confidence I have in the honourable gentleman's assertion, and having said that, I would wish to point his attention to the psalm itself, because I give up my informer entirely; and may I be allowed to say, that the gentleman to whom I gave my honour not to mention his name, though he knew me well, as I understood, was a student of Trinity College, but I could not tell his name positively, I only conjecture his name; I consider him therefore, and the person who informed me for money, as certainly persons on whom no faith can be distinctly relied; that I think right to say now. The psalm itself is the 68th, it begins, "Let God arise, and let his enemies be scattered: let them also that hate him flee before him." The hill of Bashan is mentioned in the words of the 15th verse; "The hill of God is as the hill of Bashan, an high hill as the hill of Bashan;" those are the very words, and the 17th has the pass-word: "Sinai." "The chariots of God are twenty thousand, even thousands of angels, the Lord is among them as in the holy place of Sinai." Then, "Who shall conduct you thither? The Lord, of whom cometh salvation;" that is taken from the twentieth verse. "He is our God, even the God of whom cometh salvation." Then the place they come from—"From the deep—what deep?" "The deep of the sea," is taken from the twenty-second verse. "The Lord hath said I will bring my people again as I did from Bashan; mine own will I bring again as I did some time from the deep of the sea." Then, it is in the next verse, comes the object of bringing them from the deep of the sea. "That thy foot may be dipped in the blood of thine enemies, and that the tongue of thy dogs may be red through the same;" so that as they come from the deep of the sea conducted by the Lord God, how easily a vulgar furious person of the lower class might add this verse to that very one from which the first part is taken, as in fact it makes part of the same sentence. I wish to give that explanation as the reason that my credit was attached even to a person that I would not easily believe; however I repeat again, that what the honourable member said, has considerably affected any belief I had upon that subject; in as far as gentlemen of his class are concerned, I am convinced; but there are low and vulgar persons also Orangemen.

Having said this much upon the subject of Orange Lodges, I will inform the Committee, from what offices Catholics are excluded in Ireland—the office of Chancellor, the office of Master of the Rolls, the Judges of the Court of Exchequer, Common Pleas, King's Bench, Admiralty Courts, and Ecclesiastical Courts: they are also excluded from the office of At-

torney or Solicitor General, or Serjeant, Counsel to the Revenue Boards, which in Ireland are places of very great emolument, and also from the office of King's Counsel, the salary of which, I believe, is about 36*s.* a year, the advantages of which are very great even in this country, but are infinitely greater in Ireland, where we practise in all the courts, and where precedence is infinitely more valuable to each individual : Catholics cannot be Masters in Chancery. Catholics are not allowed to be advocates, although in point of law they may be such ; Mr. Lynch, a gentleman of the bar, a Catholic, applied for a *mandamus*, he being qualified in every other respect, in such a way, that if he were a Protestant the right would have been admitted at once : he was a doctor of laws, and he applied for a *mandamus* to compel Doctor Duigenan to admit him to practice as an advocate ; but it was held by the Court of King's Bench, that it was discretionary with the Judge of the Ecclesiastical Court to admit an advocate : and no Catholic has been admitted as an advocate. The practice of the Ecclesiastical Court is, that if there be one advocate in a cause, other counsel may assist him, as they call it, who are not advocates ; but the consequence of that is, that the conducting of ecclesiastical causes is taken away entirely from the Catholic barristers ; and every gentleman who knows the profession, knows that no young man rises into considerable business with us that did not begin by being a conducting counsel in particular causes ; doing the business out of court, preparing the pleadings, advising each stage of the proceeding, having the agent or proctor communicating with him confidentially in the cause. Catholics cannot be sheriffs ; it was the received opinion that they could not be sub-sheriffs ; my opinion is otherwise, and accordingly for the last two years there have been Catholic sub-sheriffs ; they have acted upon my opinion.

There is an Act of Parliament distinctly making void certain acts of sub-sheriffs ; but from the entire construction of that Act I think they are not disqualified ; and I published an opinion upon it, showing my view of their capacity to be sub-sheriffs ; and for the last two years they have been so sometimes.

Catholics are excluded from all corporation offices regulated by the Act of Settlement, the new rules and regulations to the statute of the 15th and 16th of Charles the Second, to the best of my recollection. The Act of Settlement authorized the Lord Lieutenant and Privy Council to make rules and regulations by a proclamation, which should have the force of law, in the arrangement of corporations in future, to avoid danger from the republican settlers who had got possession of the corporations ; I mean the Cromwellian settlers ; and by those rules and regulations no corporate office can be held without taking the oath of supremacy, which Catholics do not take.

In the statute of 1793, there was an exception; that statute does not extend to any thing contrary to the new rules and regulations. I believe the framers of that Act were not apprised of the extent of exclusion that was created by that exception. The new rules and regulations apply to all the principal corporations in Ireland, to every one worth speaking of; and the result of them is, that the Catholics cannot be mayors, sheriffs, aldermen, common-councilmen, sub-sheriffs in corporations, town-clerks, master or warden of any guild, or fill any station in a corporation, save that of simple freemen, which is not a station, but is the possession of the franchise. No Catholic can hold the office of governor of a county, or that of custos rotulorum.

The following are the whole of the remainder that are excepted in the Act of 1793, namely—the office of Lord Lieutenant, Lord Chancellor, Lord High Treasurer, Secretary of State, Chief Secretary to the Lord Lieutenant, Keeper of the Privy Seal, Vice Treasurer, Privy Councillor, Teller or Cashier of the Exchequer, Auditor General and Postmaster General; but in that list there are most important situations omitted, an omission that is the cause, perhaps, of all we consider grievous: we are excluded from both Houses of Parliament. They are not excluded from any honorary distinction, such as Knights of St. Patrick; the first titles in the nation are the right of, and are enjoyed by Catholics; and they are excluded from no rank in the army. There is a clause in the annual Mutiny Act, that dispenses with the putting of the oath of supremacy; that has been called amongst us, Mr. Croker's clause; a clause, which allowed the superior officers to admit an officer to take rank in the British army, without taking the oath of supremacy, and took away the penalty which the superior would otherwise have incurred, if he had omitted it; the practical effect of that, I take to be, that at this moment the army is as open practically to the Catholic as to the Protestant, throughout all its ranks, and even to be commanders in chief: I speak now from a recollection of the clause, but the clause seemed, to me to be universal.

Catholics are obliged to take what is called the Qualification Oaths of 1773, in order to be able legally, to buy or sell, or bequeath lands. The penal code is, in my judgment, in full force against any Catholic who has not taken the oaths prescribed by the repealing statutes; the mode in which the repeal has been hitherto made, is not by repealing the statutes themselves, but by leaving them in full force, except as not applicable to persons who shall have taken the oaths; the consequence is, the Catholic can enjoy no right unless he has taken the oaths; and the grievance is of a very serious nature, if there be not something further done, as it will affect Protestants deriving titles through Catholics, as well as Catholics, in this way; that if the evidence of having

taken the oath be lost, the property is as discoverable at this moment, according to the Irish phrase discoverable, which I before explained, as it was in the reign of George the First. In point of fact, I might almost go the length of saying, all the Acts of Anne and the subsequent Acts, passed by the Irish Parliament, against Catholics, are still the law of the land. If any have been repealed they are extremely few; some particular clauses as to schoolmasters, I think, have been directly repealed; but all the laws affecting landed property are in full force; and so late as the last term we had a question argued in the court of King's Bench, where a Protestant landlord brought an action of covenant against a Catholic tenant; the defence set up by the Catholic tenant was, that he was not bound by his own covenant, inasmuch as he had never taken the Catholic oaths. The court did not pronounce judgment upon it: I was concerned for the Protestant landlord, I argued it for him against the Catholic; it was argued by Mr. Parr for the Catholic fraudulent tenant: the court took time to consider for two or three terms, and in the mean time the parties compromised, and the question has not been decided: I had arranged that the compromise should not be known to the court, but it broke out before the court gave its judgment.

What is called discoverable is this: by the statutes of Anne, the property then in the hands of Catholics was converted from its regular hereditary nature, into gavelkind, that is a qualified gavel-kind, not following the custom of Kent exactly, but a special gavel-kind, giving all the sons an equal title to the estate as long as they continued Catholics; and it took away from the father the power of making any limitation, or affecting the property with any charge whatsoever, save *bona fide* debts to Protestants; that was the effect of the law as to property then in the hands of the Catholics; but the law went further, and prevented Catholics in future from acquiring any property, or taking by a purchase, or taking in any way, except by that gavelkind descent; or taking any tenure beyond an occupation lease for thirty-one years; so that if a Catholic took by marriage settlement, by will, or by purchase, in its ordinary meaning, that is, buying or by lease, other than a thirty-one years' lease, or if he had more profit upon a thirty-one years' lease than a third penny, as for instance, if he paid twenty pounds, and the land became worth thirty-one pounds, in all those cases any Protestant who chose to file a bill in a court of equity, merely stating the title thus acquired by a Catholic, in general terms, and stating that the individual possessed of the interest was a Catholic, and that he himself was a Protestant, and that he, upon these premises, prayed, and was entitled to the relief of having the interest or estate, or whatever it was, taken away from the Catholic, and vested by the decree of the court in him, the Protestant; and the Act took away entirely the delays from the Court of Chancery and the Court of Exchequer,

and compelled the immediate answer upon oath upon the first process, and took away any demurrer to such bill; it did not allow the Catholic to demur, so that all technical forms were waved, and he was obliged to answer upon oath.

Thus the Catholic, who was put out of all civil offices from his respect to an oath, was put upon his oath at once as to his property, and as to whether he was a Catholic or not. And I have no hesitation in saying, that this is the law of Ireland still, in all cases in which the Catholic has not taken the Catholic oaths. The bill was called a Bill of Discovery; any land that could be the object of such a bill, was called in Ireland discoverable land.

Before 1779, any land held by a Protestant, that was tainted in its progress to him, by having been for one moment in the hands of a Catholic, either as a trustee or otherwise, was discoverable in the hands of that Protestant: and instances were very frequent in which Protestants lost their estates and properties by bills of discovery; one instance is upon record, in which a gentleman entered into Trinity College, Dublin, as a sizer, became a clergyman of the Established Church, lived for fifty years a clergyman of the Established Church, acquired an estate, and left it to his son, a Protestant; and his son lost that estate by a bill of discovery, because the father had entered Trinity College after fourteen, and never regularly conformed; the father was born of Catholic parents, he was probably twenty when he went to Trinity College, Dublin, and entered as a sizer there. Therefore he was, according to the legal phrase, plainly a Papist in point of law; because the son of every Papist was by law taken *prima facie* to be a Papist, unless under the age of fourteen he went publicly to church; he was a Papist for his life, unless he conformed; and it is right I should add, from my professional experience, there was scarcely one instance of regular conformity in Ireland; conformity that would bear the test, except in Dublin, according to law. Regular conformity was taking the oaths of supremacy, receiving the sacrament in church during divine service, filing a certificate in the superior courts of having taken the sacrament during divine service, and of having taken the oaths at sessions. The statutes were equivocal; if the certificates were filed in the superior courts, there ought to be two of them; that was sufficient. Now the first defect that appears upon the conformities is this, that in general it was certified that the person received the sacrament *after* divine service, and not as the statute required it, during divine service; that is a very common defect in the conformity. The next was, that it was required to file a certificate in the court of the sessions of taking the sacrament: and that the certificate of having taken the oaths was to be filed in the court above. The consequence was, that in the country the mode in which they

proceeded was this ; they filed the certificate of having taken the sacrament accordingly in the court of sessions, and they took a certificate from the court of sessions, of having filed that certificate there, and of having taken the oaths ; and they filed that certificate in the courts above. Now that was not considered sufficient ; the certificate in the superior court was the only thing that, according to law, could be looked at, and that was only a certificate that somebody else certified that the sacrament had been received. There were two certificates necessary ; one was a certificate of having taken the sacrament, the other was a certificate of having taken the oaths. If both those were filed in the superior courts, it was sufficient ; and therefore, when they conformed in Dublin, they put the clergyman's certificate in the court of King's Bench ; and they took a certificate from the court of King's Bench, that that certificate was there, that that person had taken the oaths ; and they filed that certificate in Chancery, where it should be filed.

That was good so far, because both were in the superior courts ; the certificate of having taken the sacrament was also in a superior court ; the Chancery certificate, and the taking the oaths in the court of King's Bench, was in a superior court ; but I never saw a good certificate from the court of sessions below ; they always left one certificate, that is of having taken the sacrament, in the sessions court below ; they only took to the superior court a certificate that that certificate had been filed at sessions, and that the oaths had been taken ; and that was held under the words of the statute not to be sufficient.

The case with regard to the landed property, purchased by Protestants from Catholics, since the year 1778, in practice has not been looked to much ; very few Catholics have sold landed property ; they have been rather acquiring than selling ; but in practice no barrister could allow a Protestant client to purchase a property from a Catholic, without taking special care to see that a certificate of his having taken the oaths, was enrolled in the court of Chancery. It would not be a good title without. These oaths are contained in the Acts of 1773, 1778 and 1793. They all relate to purchases of landed property, and are necessary in order to give title to land. There is no practical difficulty in taking those oaths according to law. The great defect at present is, that they may be taken at sessions, and the roll kept there ; there is no obligation to transmit that roll to Chancery ; and as the records of the inferior courts in Ireland have been hitherto very badly kept, there is a danger of the loss of the evidence of having taken them.

To the best of my recollection, I have gone through the actual disabilities.

I am aware that an impression has gone abroad, particularly in Ireland, that the priests of parishes throughout Ireland

have got records of the forfeited estates in Ireland; I am thoroughly convinced, that there is not one single particle of truth in it; that it is as unfounded as any thing can possibly be; and having been examined, as to the forfeited properties the last day, and having been asked, whether I had any myself, I would wish to add this, both my brothers are in independent circumstances, wealthy country gentlemen; they are both younger than me; all the property of each of them is forfeited property; and I just closed a purchase for my youngest brother, of an estate near the town of Threlin, a fee-simple estate, producing at present about £700 a year, which was forfeited at the usurpation, by a Colonel Roger M'Eligot, and in that instance we considered it a better title for having been forfeited; and the way that I knew it was the forfeiture of a Colonel Roger M'Eligot, was, by it so appearing upon the patent, and the official documents making part of the title.

Catholics are not prohibited, as Catholics, from having arms in their possession; only there is a higher qualification required for a Catholic to carry arms than a Protestant; he must have £100 a year in freehold estate, or a thousand pounds personal fortune. On the other hand he must also take the oaths.

Every Protestant in Ireland may carry arms. The entire penal code is enforced against any Catholic who has not taken the oaths; there are recent Acts, requiring the registry of arms, of Protestants, as well as Catholics, but those are expressly temporary statutes; and I do not speak of those temporary statutes, applying to disturbed times; but with the exception of those temporary statutes, the right of every Protestant to carry arms in Ireland, is, in my opinion unqualified. The Catholics are always perfectly ready to take the oaths; I never knew a Catholic refuse to take them. They are not all aware, by any means, of the necessity of taking them; when it was necessary to take them before an election, so as to have a certificate of their having taken them at the election, all Catholics had taken them; but when the law was relaxed, so as to enable them to be taken during the election, it became useless for the candidates to object that the certificate of a Catholic was not ready to be produced, for the objection could only postpone the vote a few minutes; the consequence is, that the candidates no longer object, they give up an objection that would be futile; and as, therefore, practically, the certificate is not called for, the Catholics are beginning very much to neglect taking the oaths; and in the next generation, if some alteration is not made in the law, great confusion as to property will ensue. Catholics are all obliged to take those oaths, to qualify for voting at elections, to this extent, that in point of law they have not a right to vote unless they have taken the oaths; at present they need not have a certificate before-hand, for they may take them during the election, if the objection

be raised. I was two or three times assessor to the sheriffs, and at that period there was not any difference on the subject of these oaths. How far in the event of a petition against the return, the votes of all those persons who could not produce a certificate would be disallowed, I cannot say; in my opinion they ought to be: however the question would arise thus, if the Catholic takes the oath at any time, it has under the statute of 1793, a retrospective effect, and a question would arise upon that objection to him; if he had taken it before his vote came before the committee, it would certainly be contended that that was sufficient; besides, it could not well come before the committee, unless an objection were made at the election, and if it were made at the election it would have been obviated at once.

The entry of the clerk of the peace, at the time of election, would not be sufficient; the clerk of the peace was directed by the statutes to keep a roll; that roll would be sufficient, for it was from the certificate that those were taken. It is worthy of remark that by an English Act of the 31st of George III. Catholic places of worship and Catholic clergymen are protected from disturbances, during divine service. But the same privilege and protection does not exist in Ireland; there is no statute protecting Catholic places of worship or divine service in them, except the White-boy Acts, when a county is disturbed, and no county, unless disturbed, is within the purview of the White-boy Acts; they are called into operation, and the felonies created by those statutes are constituted felonies by the fact of the county being disturbed; whenever a place is so disturbed; then it is either a misdemeanour or a felony to disturb divine service in a Catholic place of worship, or to injure the building itself; they get, therefore, protection by statute only by the White-boy Acts; the Catholic clergymen having been frequently the object of those White-boy disturbances, as well as the owners of tithes.

The state of the law, with regard to intermarriages of Catholics and Protestants, is very much complained of; and I have known it in practice attended with great mischief; it was not at all generally known, and is not even now universally known, that the marriage of a Protestant and a Catholic by a Catholic priest, is void; recent circumstances, and the great circulation of matter through the press, have made it known; but I have known one instance of a Protestant of ancient estate who married a Catholic lady; the priest married them, they were both quite ignorant that that was a void marriage; they had three or four children; he had not the estate at the time of the marriage, the estate descended upon him afterwards, and when he came to consult counsel upon some of the arrangements of the estate, he discovered that his three eldest children were bastards, and could not inherit, and then he went, after six or seven years cohabitation, to church,

He was born at St. Louis, Mo., November 2, 1859, son of John and Mary (O'Farrell) O'Brien. His father was a Catholic, and

and the Legislature makes it a capital felony; so that if both he and his wife are guilty, for which he was sentenced to death, he will incur a double penalty of death; and if he is not guilty, he will be necessarily subject to the criminal law of the State, as it is only by

There is a very small number of priests who have
been converted from Protestantism; a few
occurred in the course of my tour, but none from
the Catholic Church. I have never seen a
Catholic priest who had been converted from
Protestantism, and I do not think there would be a very
large number.

This can be done by the State, but also by many persons particularly religious ones in their families. Hence the Church would be instrumental, but does not have to be the only factor. It may be necessary to do this, and to do it in time, but preserving the continuance of Christian life in the family will be equally effective. At the moment, the thing demanded is a Protestant emergency; but there are other ways to do this, as it is arrived at so easily. — I would repeat a suggestion I made long ago, that would not apply to the Presbyterians, but would apply to a Protestant congregation, if they would be willing to do something like it. Again, the same is a general suggestion, not a specific law, whether it comes from the State or from the church. There might be cases where a church would be compelled, seeing to the power that they have over souls, to do something like it. I do not know, but I think it is possible that in the case when he was converted, were Lazarus, he would have done this sort of thing, if he had been compelled to do it. — I would say, that the best way to do this, is to let the people who are most interested in the welfare of the family, to be told in advance, concerning the proposed action, so that they may be able to help, if they can. — I would say, that the best way to do this, is to let the people who are most interested in the welfare of the family, to be told in advance, concerning the proposed action, so that they may be able to help, if they can.

immorality is produced by their not being so, and no other result; and I do not myself think there would be the least inconvenience in making the celebration of marriage more public, and allowing the clergymen of the various classes of Dissenters and Catholics to marry where either of the parties was of the communion of the person celebrating the marriage.

There is a class of priests that go by the name of Father Tack'ems ; and there are individuals in that class that have been silenced by their bishops, and deprived of their livings for misconduct, who have supported themselves by celebrating such marriages ; but, as I remember, there is a statute making that species of celebration a transportable felony in the priest, although it does not render the marriage invalid, making it penal in him to follow that trade. No Catholic clergyman, who is not under censure of his bishop, has ever acquired that appellation, or has, I believe, deserved it.

Upon the subject of the law, with regard to Catholics attending vestries, at present Catholics cannot attend vestries whenever any question arises respecting the building or repairing of churches ; they are excluded by a statute passed in the reign of either George the First or George the Second, from such vestries ; and sums to an extremely large amount are levied upon the property of Catholics (for it is the occupier that pays the parish cess,) by very small vestries of Protestants, in consequence of that statute.

On the next subject, namely, in what situation would a Catholic be if he conforms to the Protestant religion, and then relapses to the Catholic, according to the laws of Ireland, I should speak with great diffidence ; because, whatever opinion I formed upon it was not, I believe, consistent with an extremely high authority in the law ; but my opinion is, that if, after a relapse to Popery, the person takes the Catholic oaths at the sessions, there is no question made as to the relapse, and he is precisely in the same situation as if he had been a Protestant. There is, however, a difference of opinion among the highest men in the profession upon the subject. Mr. Laurin is of the opinion I am ; but I understand there were doubts entertained upon the subject at one time, by most respectable authority : the point has not been settled ; but I ventured to advise a gentleman of considerable fortune so to qualify ; and one gentleman in particular, who left a property to the amount of 4,000*l.* a year, did so ; and although he disinherited his eldest son, his will has not been questioned. The case in which a doubt arose, was a case respecting the capacity of the person to make a will. It must be recollect that some persons are of opinion, that the disabilities under the old statutes attach not upon the making of a will, but

on the taking under it; and therefore, that although a person were in the situation of being considered as having relapsed to Popery, still that would not disable him from making a will. The doubt, I understood, arose in the mind of the person to whom I alluded, particularly upon the statute of 1782. The persons who took, in the case I have mentioned, and who were the youngest sons, were Protestants; the eldest son was a Catholic; although the father returned from the Protestant religion to the Catholic, he disinherited the Catholic son.

The law respecting the conversion of a Catholic priest to Protestantism, has been totally altered upon that subject lately; till very recently, whenever a Catholic Priest was converted to Protestantism, he had a provision upon the county for 40*l.* a year; that is taken away; he also was a recognized minister of the Established Church by the very act of conversion; his orders are still recognized, but there has been a recent statute, preventing him from officiating without either a licence or some immediate authority from the ordinary of the diocese.

If Roman Catholics were admitted to the right of voting in vestries, I do not think it would be difficult to pass any question for the building or repairing of churches in Ireland, nor do I think any fair cause would be resisted; of course, upon this subject, it is a speculation, but, as far as I have seen, my own conviction is, that no fair case would be resisted; indeed, I am deeply convinced that a fair case would not.

In discussions on Roman Catholic hardships, it is not considered as the greatest hardship of all, that the Roman Catholic is called upon to contribute to Protestant churches. The greatest hardship is, that he is called upon to build and repair churches where that building is totally unnecessary, as it is in a great number of instances in the south; in the county of Kerry, for example, I know parishes where churches have been built for a single individual or two. I know many instances, and that there is one going on at this moment, in the parish of Jaghadoe, in the county of Kildare; there is but a single Protestant in the parish, a Mr. Grierson; they are building a church there, that I understand will cost about 1000*l.* the Catholics offered to build a dwelling-house for Mr. Grierson.

It is not the fact that Protestants have disappeared from many parishes, in consequence of their not having a place of worship to go to of their own, that is the cause; that the Protestants have disappeared from very many parishes is certainly the fact; they have melted into the mass of the Catholic population by marriages; and in some respect perhaps by the great readiness to attend the sick in contagious diseases, of the Catholic clergymen, who have not families and have no apprehension of bringing their own families contagious disease; a Protestant parson may risk his own

person very well, but if he catches a contagious disease his wife and children will be likely to get it from him, and that must operate upon the minds of the very best men ; it is not so with the Catholic clergyman, he has nothing to risk but himself, and he goes amongst the persons in contagious diseases, particularly the lower orders.

Wherever churches have been built a congregation has appeared. A small congregation I apprehend always appeared wherever there was a church built, and for this distinct reason, that there were several offices always chargeable upon the parish, annexed to the church ; as for example, parish clerk, sexton, bell-ringers and sweeper of the pews, frequently a sextoness ; those offices make a small congregation ; but I have seen that when the persons who filled those offices got seriously ill and were near dying, they almost always, indeed I believe universally, sent for the priest and died Catholics ; I have known several instances of that.

I certainly conceive the necessary consequence of not having a place of worship for one particular class of Christians, is to drive them to avail themselves of another form of Christian faith ; wherever there are protestants, my opinion is, there certainly ought to be a place of worship for them as convenient as possible.

There are also legal restraints upon Catholics with respect to acting as guardians : they cannot be guardians, as I recollect, of Protestant children ; they must take the oaths before they can be guardians of their own children, or any other children ; but taking the oaths is never considered a hardship, except from the nature of the oaths themselves ; for example, we are obliged to swear that we do not believe it lawful to murder any person for, or under pretence of, his being a heretic. Now I never took that oath yet, that I did not feel excessively degraded at being obliged to swear such a thing, and that it is cruel to impute to any body so horrible a thing as to believe that doctrine. Those oaths are very long. I do not recollect at present any thing else that is obnoxious ; there is a great deal of matter besides which is perfectly unnecessary, but from the state of calumny upon the Catholics in general, we are not sorry to disclaim those tenets in the most unequivocal and distinct way ; they are considered by Catholics as perpetuating the recollection of calumnies ; for the necessity of refuting a calumny always pre-supposes its existence ; and when you ask a person to refute it, you give it a kind of credit in the first instance, so that it would be supposed, if it was not refuted, it would be believed.

If the Committee will allow me, I will state what the effect of the law has been with respect to myself, as to my own practice in the courts : I feel it an excessive grievance that I cannot be

King's counsel ; from my general political principles, my own opinions being strong upon the subject of Parliamentary Reform, I should not be likely to get any office other than that of King's counsel, which is not considered a marked political favour; but not being King's counsel is certainly a very great pecuniary loss to me, and it leaves me still, in the twenty-seventh year of my professional exertions, obliged to work in all the minor branches of my profession, at the same time that I am working in the superior ones; I believe, I may say, and that too in the presence of the Attorney General for Ireland, that I do as much business as any man at the Irish bar; my professional receipts last year were upwards of 6,000*l.* without of course any portion of it coming from government, or any source but the ordinary practice of my profession. It would be an amazing convenience to me, and I think being King's counsel would increase my emoluments, by increasing the fees, and would diminish my trouble very considerably; at the same time, I must say, I know that several gentlemen differing politically from the government, are King's counsel ; and I may be mistaken, but I should certainly expect from the noble lord at the head of the law in Ireland, that my political opinions would not prevent me from being made King's counsel by him or any portion of the Irish government, if I was competent to be so. I may likewise add, that my not being so, operates as a great inconvenience to other gentlemen, inasmuch as that when persons are desirous of having the advantage of my leading for them, they are obliged to decline the services of other gentlemen : I will say distinctly, that I know that a number of Protestant gentlemen are suffering very considerably in their profession, by my not being King's counsel. I know instances every term, in which the agents come to me, and although my wish, in point of delicacy, is totally to decline the nomination of other counsel ; when I suggest a name, sometimes they say, " He is your senior, I would be very happy to have him as counsel, but neither I nor my client will put any man over your head." I know that several Protestant gentlemen suffer very considerably by my not being King's counsel ; whereas, now, the greater part of the practising King's counsel are my juniors, and two of the judges ; it is right to make a junior to me King's counsel of course, but I do not know of any junior, who had as much business as myself, who is put over my head ; Mr. Blackburne is my junior, certainly high in the profession, but that could never create a jealousy in my mind : he is one of the best lawyers in the profession.

Reverting to the question of the interference of Protestant clergymen at elections, I know of one particular interference ; the original autograph of the following letter was in my possession, written by Dean Langrishe, to a person of the name of Bartholomew Senior, during the late contested election for the county of Dublin; the original was in these words :—“ Senior, as you are

a staunch Protestant and an honest man, I suppose you can have no difficulty in voting for Sir Compton Domvill. Do not by any means fail in attending at the hustings, and be as early as possible. I believe your son has got a vote also; pray fetch him with you. J. H. Langrishe." That Senior, I understand, holds some office connected with the church. With regard to the county of Kerry, I should suppose the Barony of Trughanamy, in which the town of Tralee is situated, contains the greatest number of Protestants; there were some Protestants brought into the town of Tarbert from the county of Limerick, by Mr. Leslie, for his yeomanry corps, and they constituted for some time an Orange lodge there, as it was said, but the far greater part of the population of Tarbert, is Catholic, as in the other towns, that is, the great majority of them must be Catholic. The corps of yeomanry which is at Tarbert, is considered as an Orange corps; that part of Kerry has been, as compared with other parts, the most disturbed part of the county; and the parts of the county where there are most Catholics, have been the most tranquil; the barony of Iveragh, one may say, is almost exclusively Catholic; within my recollection, on two occasions, when disturbances occurred there, upon the first of those occasions, I had to come to the county, and in five days I put it down completely, and had two or three of the leaders in it transported. Upon the second occasion, my youngest brother, who is an extremely active magistrate in the county of Kerry, had more trouble, because the last disturbance was much more extensive, in putting it down; it took him *three weeks*, but he put it down completely, without the assistance of a *single soldier*. And I believe there has been a distinction proved to exist between the White-boy oath taken in the neighbourhood of Tarbert, where that corps of yeomanry existed, and the White-boy oath taken in other parts of that county. That is, there was in the neighbourhood of Tarbert, something against Orangemen in the oath, of an exterminatory nature, which certainly was not taken in the other parts of the country, as appeared in the evidence; the reaction of one party always creates additional virulence in all those unfortunate disturbances. That appeared as I understood at the trials at the assizes at Tralee.

During the rebellion of 1798, it was perfectly tranquil every where but at Curteriland; there was not within thirty miles of the residence of my father or uncle, a single soldier or a single yeoman, except my brother who belonged to the Kenmore yeomanry cavalry, that was distant twenty-four miles from it. And yet there were at that time certain individuals in the county of Kerry, who were considered to partake of the revolutionary principles of those times, of the superior ranks of life; the sons of magistrates and grand jurors, and all Protestants. Indeed about that time a great number of Protestant gentlemen were considered as United Irish-

men, though the fact was, they were not at all connected with the society.

In 1799, as the Orange system grew strong, it became the habit to consider every Protestant of liberal opinions as an United Irishman, and to brand him as such ; and the newspapers did so. And here I would beg to say, [that I think the Insurrection Act is likely to be very unfavourable in the case of future disturbances ; the opinion created by the facility of transporting persons leaving a very deep impression of injustice about it ; and if there shall be disturbances hereafter, my own apprehension is, that they will be still more sanguinary in consequence of that, and I am sure it tends to augment and to continue that indisposition which exists in the minds of the people as to the administration of the law. It tends to perpetuate the notion, that law and government in Ireland is a matter of mere brutal force ; that it is the compression of power, and not the administration of right ; but when I say this, I am not at all saying that there was not a necessity in some districts, for taking very violent measures; for certainly atrocious crimes had been committed in particular districts.

A very different feeling is entertained by the people towards a decision of the court of Insurrection Sessions, than is felt towards a decision of the ordinary courts of law at assizes, through a jury. To a certain extent, wherever there is a jury, there is an acquiescence in the decision, however against them ; but the notion of the courts under the Insurrection Aet, is totally abhorrent from any idea of law. It is the sending away a man because they choose : the magistrates are not sworn to do justice in the particular case ; a magistrate comes in, and takes a partizan share in the transaction ; he comes on the table as a witness, and whether he mixes with the magistrates again, I cannot say ; though I presume, from the character of part of the gentlemen who were appointed as King's counsel, that he is not allowed to vote after he has been a witness, and yet I cannot say that he is not. But with respect to the idea that juries have been either seduced or intimidated from the discharge of their duty, in administering the ordinary laws, I can only say, I have been counsel for more White-boys than perhaps any other individual ever was in Ireland, and I never knew one single instance of an acquittal that I could trace to any intimidation or seduction ; I mean, even in my own mind. I have certainly heard of instances in which jurors have declined attending at the assizes, in consequence of intimidation, or any other indirect motive, but I have never known it ; I think I heard at one time, of something of the kind prevailing in the county of Limerick : but in Munster I do not believe it occurred at all.

In the Munster circuit, with which I am acquainted, I have known distinctions to exist in the formation of juries, by reason

of the religious faith of the persons summoned. I have known it prevail in the county of Cork; it is not attributable at all to the gentlemen of the bar, who conduct the prosecutions there, either under the late Attorney General; (and if there was a degree of comparison, it would be less) or under the present; but the police magistrates interfere, that is, the magistrates appointed by government; and I have seen the magistrates of the county of Cork, I mean, as well the police magistrates, as other magistrates in that county, attending particular prosecutions, setting aside the Catholic jurors, and endeavouring to pick out, as much as possible, a Protestant jury, some of them Orangemen. That is when the cause comes on for trial, and not, in influencing the return of the panel. The return of the panel in the county of Cork includes a great number of names; several hundred, as it ought to do; and therefore by means of the right of the Crown to set it aside, the prosecutor in every case, can, in fact, choose his own jury.

In the county I have alluded to, that right was exercised till I complained of it. I have endeavoured to avoid the criminal court as much as I could; but as soon as I complained of it, Mr. Serjeant Goold, who conducts the criminal prosecutions there, and who is as liberal a gentleman as can possibly exist, and an extremely able man, instantly discountenanced it, and prevented it as much as he possibly could; the crown solicitor also concurred in preventing it. With regard to the mode in which the police in the county of Kerry have been appointed, the magistrates kept to themselves the nomination of all the police, and there never has been the least complaint of any outrage upon the people being committed by a police-man in my county; in point of discipline and appearance they are to the full equal to any other police, and in their efficiency they cannot be exceeded; they do their duty without giving offence to any person; they certainly would not lightly fire at any crowd of individuals in the county, for any man who fired, could not know but it would be his own brother or father he may shoot: and the majority of the police of the county of Kerry are decidedly Catholics.

In selecting and appointing police-men, I should think it decidedly advisable, to take the men from the immediate county, whenever the magistracy was of a certain character. The county of Kerry I take to be particularly well circumstaneed, with respect to a great number of its magistrates; it has excellent Protestant, and I may venture to say excellent Catholic magistrates.

At the same time I admit such a course might lead to the exercise of prejudice in some cases, and of favour in others; but the situation of a police-man is an extremely valuable one to the Irish peasant; it is quite an establishment to him, and he would not lightly forfeit it; and if he committed any kind of of-

fence, it would be known who did it immediately ; he would be under the eye of his own neighbours, and he would not be so likely to escape as a stranger would. There is a kind of domestic watching over him, if he be appointed in his own county ; my own opinion in the abstract would be, that it would be highly advisable that the magistrates should appoint in each particular county ; and I know in Kerry, where the experiment has been made, the result is undoubtedly such as one would wish.

Individual police men have frequently very great power in their dispersion over the county, in ones and twos. And without vigilant inspection, those powers might be subject to very great abuse ; but I think more likely to be abused by strangers than by natives.

I am aware that where the magistrates appointed their own police-men from the inhabitants of the county, a power is vested in and exercised by the government officer to remove those policemen, if he shall think fit, to any part of the county ; and it is a power that certainly ought to be in him.

And even in the event of any favour being exercised, arising from local connection, I think that that power of change of quarters, would tend very much to correct any local evil : but my opinion is, that the evil would be greater in bringing in strangers.

And I know that the clergy of the Roman Catholic church, in parts of Munster with which I am acquainted, have made great and constant exertions in maintaining the peace of the county, whenever occasion requires to preserve the peace.

In all cases where disturbances broke out, I knew the Catholic clergy to take the most zealous and active measures in their power to quell the disturbances, at personal risk to themselves. I recollect in the county of Limerick, there was a Catholic priest shot, upon his interfering to prevent outrage or felony, by White-boys or felons.

That was the case of Mr. Mulquiny ; it also happened on the day that the man was murdered between Tralee and Killarney, in January 1822, his name was Brereton, Mr. O'Donnel at Millstrut was taken by the insurgents, who turned out upon that occasion in open rebellion, and was actually upon his knees to be shot, when the priest fortunately arrived, threw himself between Mr. O'Donnel and the persons who were going to shoot him, and remained in that position with the utmost peril of himself ; they repeatedly declared that they would shoot him if he did not come from between them ; he protected, at his own personal risk Mr. O'Donnel, who would certainly have been murdered if the priest had not done that.

I have a good opportunity of knowing the opinions of the Roman Catholic gentry in Ireland, with respect to the Protestant establishment in the country, and so far from wishing the

Roman Catholic gentry of Ireland to have the Protestant hierarchy transferred to their own priesthood, I am quite convinced that they would oppose as strongly as it would be possible for them to do, any transfer of the property of the Established church, from that church to their own ; I am sure, for one individual, I should concur in that opposition most heartily.

As to the question of whether the Roman Catholic clergy of Ireland would be inclined to accept of a provision from the state, if in doing so they were freed from all imputation of making a separate cause from that of the laity, I am convinced they would not accept it at all till the Catholics were emancipated ; because, until that event, they could not be freed from the imputation of trafficking for their own advantage ; but I am sure that if an equalization of civil rights took place, they would accept of it, and that the Catholic gentry would concur with them in a desire that they should ; the object being to connect the Catholic clergy and laity of Ireland with the government itself, to embody them as it were as a portion of the state, and to give the government what we would desire, a reasonable and fair influence over the Catholic clergy, so that there should not be even an idea of any danger of their being taken away to favour a foreign enemy, or to favour domestic insurrection ; I am sure that is the opinion of the clergy, and I know it is the opinion of the Catholic gentry. And I would beg leave to say, it would be better to leave things as they now are, than to have an Emancipation Bill that was not in a proper spirit both for the Catholics and protestants, for it would be giving us additional power, and leaving still a stimulant to those animosities that divide the country : and I think the thing should remain as it is, unless it be done heartily and cordially ; if it be done so, I have not the least doubt that it would not at all interfere between the priests and their flocks, or take away the influence from them ; there is more of intellect about an Irish peasant than they frequently get credit for. Moreover I have reason to apprehend there is a great tendency on the part of France to interfere with the education of persons for the Irish priesthood.

There is great encouragement now giving to the education of Irish priests in France ; there are considerable funds, that in worse times were transferred by Catholic families to France for the education of the priesthood ; my own family were among the principal contributors ; we have a large property comparatively remaining, our admitted right, in the French university ; we have now either four or five young men educating there, but we have not one educating for the priesthood.

These foundations were established sixty or eighty years ago, when no priest could possibly be educated in Ireland.

It would have been extremely desirable if, at the peace, it had been managed to get those funds restored to this country. And I

have reason to think that at present the French government are active with respect to those funds ; at least, persons acting under the French government certainly are ; and I have a strong apprehension that that will increase very much if there is a temptation left to its increase, by leaving matters as they stand at present in Ireland.

I am perfectly convinced that the Roman Catholics of Ireland, both clergy and laity, would be very willing to afford to the government of the country reasonable security for the domestic education of their priesthood, and that there should not be persons appointed from the establishments abroad. And I will also add, that I am thoroughly convinced that the object of the Catholic clergy and laity of Ireland is sincerely and honestly to concur with the government, in every measure that shall increase the strength of the government in Ireland so as to consolidate Ireland with England completely, and in every beneficial aspect. And in that particular instance, they would very heartily concur, that no person should be nominated to any situation in the Catholic church of Ireland who was not substantially educated, as well as born in allegiance, and in Ireland.

I am quite sure that some measure of that kind would be calculated to give great additional security to the country against foreign interference, in all domestic concerns : and my conviction is, that there is great danger in allowing matters to remain as they are. Perhaps my private interests influence, to a certain degree, that conviction, without my perceiving it ; I do not perceive it : but I am conscientiously convinced there is great future peril in leaving the increase of foreign education of our priesthood in the way it is likely to be. Not that I have observed any difference in the loyalty of priests who have been educated abroad, and those who have been educated in Ireland ; with this exception, the priests who were educated in France were old, I may say, when I became a man ; and they had a natural abhorrence of the French revolution, which bore so much upon the Catholic clergy. They were very strong anti-jacobins, if I may use the expression ; by that means there was among them a great deal of what is called ultra royalism ; but with the priests educated at Maynooth, the anti-jacobin feeling is gone by, and they are more identified with the people ; and therefore in the phrase that is usually called loyalty, they do not come within the description of it so much as the priests educated in France, for that reason ; but then, in the time of my father and uncle, the priests educated in France were Jacobites. They were enemies to a certain extent ; while they submitted to the laws, their own opinions ran against the succession of the present family on the throne ; and they were perhaps dangerous before the French revolution in that respect.

I have heard it rumoured, that considerable funds have lately been applied in Ireland to the establishment of seminaries, for educating and supplying persons to do the duties of priests. The only funds that I know of, to any amount, are those which the Jesuits have applied for the purpose of establishing colleges for education. I allude particularly to that at Clongowes, and its branches.

I am not aware of any other Jesuit establishments that are now founded. Only those connected with Clongowes; boys ought to be eleven or twelve to go to Clongowes; I did not send my own sons there till that age. There is a juvenile establishment or two for young children, connected with Clongowes; I do not know of any other. There was a purchase of a great part of a parish in the county of Tipperary, a short time ago; it was bought by a Mr. Rice, who is the great founder of the monks school in Ireland; but he bought it I know for an individual gentleman, and not for any establishment.

In this establishment they educate generally. My eldest son, who is keeping terms, was educated at Clongowes, before he entered Trinity college; and so my second son, till he declined the literary pursuit; and my third son, whom I intend at present for the profession of the bar, is at Clongowes at this moment; my fourth son I mean to send as soon as he is fit.

No person can be admitted to the priesthood from Clongowes, it has not become a regular Jesuit establishment; they are Jesuits, therefore, but as to the priesthood, a man must first go through a novitiate and become a Jesuit, and then be priested as a Jesuit, but the students at Clongowes have no connection at all with the priesthood, other than that they may become priests, but in itself they have no connection.

I have before stated, that I thought there would be no objection, on the part of the Roman Catholic priesthood, to have the appointments of the Roman Catholic clergy confined to persons born and educated in Ireland.

But with regard to the interference of the Crown in prohibiting the appointment of particular individuals, or in controlling them, at present there would be so much objection, that it would totally spoil the effect of any measure of emancipation; and I would respectfully, in that case, submit that it would be better, perhaps, to leave things as they are than meddle with that just now; if hereafter, in practice, it was found that any real and substantial inconvenience occurred from the present arrangement, I am quite sure the government would find great facilities after the emancipation, both at Rome and in Ireland, in making a proper and satisfactory arrangement on that subject; I know much and intimately the

opinions of the most influential of the Catholic clergy in Ireland; if they have a political fault it is a leaning to government, and a wish to identify themselves with the government; and it is perhaps right; I should add, that there is no class of men more strongly inclined that way than the leading men of that very college of the Jesuits.

And I have before stated, that I did not conceive the Roman Catholic gentry would at all concur in the plan for transferring to the Roman Catholic clergy the possessions of the Protestant church.

At the same time they would feel no objection to a diminution of the property of the Protestant church, which was not connected with a transfer to their own church; they would be very desirous of a diminution of tithes.

Indeed I think there would be great unanimity upon that subject, from Armagh to Kerry.

And I conceive, that the Roman Catholic does not pay tithe more unwillingly than the Protestant. In practice, I have known the Protestant more outrageous in paying it than the Catholic.

It is very true it is stated, as a special ground of complaint that the Roman Catholic peasant should pay to maintain the clergy of a different persuasion; but I do not think I ever heard it complained of, except in the cases which are so general in the south, of there being no Protestant, or scarcely any except the clergyman who receives the tithes; but I never heard, when there was a fair proportion of Protestants, nor do I think they consider it a greater hardship to pay to clergymen than to lay impro priators. I recollect, now, instances where they considered it still a greater grievance to pay to a lay proprietor; but in some of the instances the lay proprietor has been more moderate than the proctor or lessee of the clergyman, in others the lay proprietor has been the strictest of all; in lay impropriations, in two or three instances, they have considered it as quite ridiculous to be paying tithes, where there is not the *presence* of religion at all connected with it.

And I do not think it makes any great difference, the objection to pay where religion is not concerned, or an objection to pay where a different religion is concerned. I am sure they would have great objection to pay their own clergy, tithes, and cattle, and fight as hard as they do, either with the layman or the parson in questions of property; abstract points of faith do not enter much.

The Committee will perceive that I take a clear distinction between the Roman Catholics being willing that the government should interfere, by nominating, or by any thing equivalent to it, and their affording a perfect security that there

should be no foreign interference. The interference of the government, in point of nomination, would prevent any kind of harmony; in the act of emancipation, it would take away all influence from such persons as have had influence among the Catholic people; I know some of them, they would wish to make the union cordial and complete; it would deprive us of the power of doing that, the apprehension upon that subject is very great; and besides, it could not be done without a reference to the tribunal at Rome, without some assent from Rome; it would, therefore, be a postponement; but in itself, even if the clergy acceded to it, the general turn of mind of the laity is such, that it would spoil the effect of emancipation, and create, perhaps, a worse feeling than exists even at this moment.

But I do not apprehend any of these consequences from a perfect security being given for domestic nomination. I think we should all concur in that.

With respect to domestic nomination, there are two things included in it; one is, that the persons appointed should be persons born and educated at home; the next is, that although the Pope has the patronage of our church, yet that the origination of appointments should be domestic. I wish for both extremely. As to the first, namely, being born and educated at home, I am quite convinced, that that could be easily and immediately done. As to the other, the taking away from the Pope all possible right of originating a nomination, perhaps some difficulty may arise; at least means should be taken, and something in the nature of a concordat, which I believe would be most easily managed, may be necessary for that purpose. I do not say it will, because it is only to a certain extent that my knowledge goes upon the subject.

He has nominated several, it is understood, at the instance of the British government.

But otherwise, Ireland is considered, in the Catholic church as in an anomalous state. We have preserved the hierarchy complete, and yet it is a missionary country; and the amount of being a missionary country is, that the appointment of ecclesiastics belongs to the congregation *De propaganda fide*, and in that way there is, as far as I understand it, a greater dominion over the nomination given to the Pope, and belonging to him, than if it were not a missionary country. My notion is, and I believe I may speak with some confidence, that it would be very easy for the British government to have it cease to be a missionary country; and that, in fact, it would cease to be a missionary country the moment the Catholics were put upon an equal footing with other British subjects; at this moment, the original rights which remain are national rights, and those national rights would be under

the controul of government, so far as they do not interfere with religion itself. I think, therefore, that that arrangement may be made; that there is a part of it that could be made at once, but that the other would require some detail.

How far any country is considered otherwise than as a missionary country, unless the Roman Catholic Religion is established in it,—if by that is meant established by being connected with the state, I do not know; but having from unfortunate circumstances, more knowledge upon these points than laymen generally have, I conceive, that if what I call an Emancipation bill passed, from that moment the right which the Pope has upon a missionary country would totally cease; there would not be the least pretext for continuing it, and I believe all the Catholic Clergy in Ireland would be anxious for that.

For instance, the Kingdom of the Netherlands I am convinced is not considered a missionary country. Prussia was till lately.

When I alluded to the necessity of some concordat being arranged with the see of Rome, I merely meant to arrange the original right of nomination from the Pope himself; and I think that such an arrangement with the see of Rome would more easily be effected after the measure of Roman Catholic emancipation had passed, than it would before it. I take it that government would not find the least difficulty in making that arrangement after emancipation: the present state of Ireland brings the Catholics into a kind of corporate capacity: they act as a body by reason of the compression; if emancipation took place, there would be a total end to that, and we would mix in all the grades of society without distinction; and as there certainly is a most unaffected desire on our parts to become King's subjects, I do not think the government would have the least difficulty in being satisfied upon these points after emancipation.

In other countries, where concordats have been made by the Pope, they have not been contemporaneous with the settlement of other branches of the question. I think, in general, in other states the civil rights were first conceded; I may be mistaken upon this, but whatever the precedents may be in that way, and however valuable we lawyers may consider precedents, I am sure I know enough of the Irish Catholics, to know that there would be great difficulties thrown in the way before emancipation, and I will venture to pledge myself, that there would be none at all afterwards.

On the part of the court of Rome, I believe you would find great facility, because you would find from the Catholic clergy themselves great facilities; and the two Roman Catholic bishops that would be nearest to government, are

both gentlemen who are disposed to facilitate anything that is deemed wise by the government of the country, if it could be done without interfering with what they consider their duty... I was asked a question respecting the state of things in the Netherlands; I believe there are several unsettled points in the Netherlands.

When a Catholic see is vacant, in some of the sees there has been a rude continuation of the deans and chapters; those are now asserting their rights to originate the nomination; and in every instance that they have asserted it, I believe it has been allowed at Rome. Where there are not deans and chapters, an election by parish priests has been very much the recent practice; and wherever they have elected, if the neighbouring bishops concur, that nomination has been received at Rome, and confirmed. That is a practice of recent date.

The consulting of parish priests is becoming a very general practice now in Ireland among the Catholics, as to the original nomination.

The interference of the Pope in original nomination, whether under the idea of its being a missionary country or otherwise, is quite an unpopular thing among both clergy and laity in Ireland.

And I think all the Catholic clergy and laity in Ireland, except those that expect special favour would, in my opinion, be quite unanimous in having that nomination taken away, as far as it can be done consistently with our religious principles.

If the government of the country were desirous of giving the Pope effectual power of originating nominations in Ireland, they would find it extremely difficult to do it; they would find it very strongly opposed by Catholics in Ireland; I should myself oppose it as far as I possibly could; and if I thought myself master of the doctrines of the Catholic church upon this subject, after I could safely oppose it completely, I would not submit to it.

References are frequently made to the Pope, in questions which arise between the clergy and the bishops, but only in cases purely ecclesiastical and spiritual, the Pope is the supreme head of the Catholic church, to whom the appeal in those cases lies, in all questions of controversy between the priests and bishops; when a bishop censures a priest, if the priest conceives that censure unfounded, he has an appeal to the immediate superior, to the archbishop, and if he does not get relief from the archbishop, he has an appeal to Rome, and they do appeal; and I have known instances where a priest has thus appealed with success; if the bishop alters the

parish, or takes away any right the priest may conceive himself entitled to, he has that appeal.

I have known it occur where the boundary of the parish has been altered: a Mr. Moriarty, a priest in Kerry, a very near relation of mine, was bishop of Kerry, and thought it right to alter the parishes by subdividing them; Mr. Moriarty appealed to Rome, and appealed successfully, and he compares his bishop to Bonaparte, he said he wanted to Bonapartise his diocese.

There are also questions of marriages within the prohibited degrees, that certainly do arise, and may be conveyed to Rome, and from information, I should say are conveyed to Rome; and those questions are standing at present, and would make unpleasant points arise upon ejectments by children, they ought to be settled by law.

And those references to Rome would be very unpopular if they were not upon mere spiritual questions; but they are a resource against ecclesiastical tyranny or misconduct, and in that view are not unpopular.

In cases of excommunication every Catholic is apprised, that excommunication for any thing that is not religious, is itself void; but if there did occur a case of excommunication where it was a spiritual matter, the appeal would lie at Rome; to the bishop from the priest, from the bishop to the archbishop, and from the archbishop to Rome.

In case of a marriage within the degrees that our church forbids, and that the Protestant church allows, the Roman Catholic priest would consider his parishioner as living in a state of sin, if he cohabited with a person with whom a marriage had been celebrated within those degrees, and in a spiritual point of view he would endeavour to restrain him from doing so; but with respect to the issue of the marriage, which the Protestant church acknowledges as a lawful one, every person of our religion would consider that the issue was entitled to succeed, according to the laws of the country; and upon an ejectment they certainly would recover; so much so, that if the parties themselves were not cognizant of their relationship, and if mischief was to follow from it, I do not think the Catholic clergy would disturb them, by obtruding the information: I know that occurred in a most horrible instance with the late Dr. Troy; there was a woman who had a child at the age of fifteen, and the child was taken to the Charter school; and it happened, that at the age of four or five and thirty years she married a very young man, and it turned out to be her own son: Dr. Troy became acquainted with the fact, and the result was, that he did not inform them of it; she died soon after, but there was quite time enough for

him to inform her of it, but he thought it was better not, for fear of the consequences.

The circumstances under which the college of Clongowes is called a Jesuit establishment were these: the order of the Jesuits is restored in the Catholic church; a man has as much a right to be Jesuit in Ireland as to be a lawyer there; they had property, they were Irishmen, and they preferred vesting that property in Ireland, for the education of the Irish youth.

The establishment is, I believe, of the regular order of Jesuits; there are superiors, there are priests of the order, there are novices, and there are lay brothers.

They are in connection with the Jesuits at Stoneyhurst, in this country; but they are in connection as any of the orders of friars in the Catholic church are; in the Catholic church all the friars have their spiritual superior at Rome, and their immediate superior in Ireland, or whatever country they are in throughout Europe; it is so in every country, Catholic and Protestant, where there are friars.

Every order of friars is under a general; the Jesuits certainly have a general, and so have the Carmelites of the two orders in Ireland, and so have the Franciscans of the two orders in Ireland, and the Augustinians in Ireland, and the Dominicans in Ireland; the only order in Ireland that has not a general in Rome, are the education monks; they have no general at Rome, as I believe.

They confer upon young men the order of Jesuit; they go through their noviciates, and they make their vows. In the female convents a profession is displayed, and people go to see the reception of a novice, and her taking her vows. It is not made a sight of in the convents of men; but the process is pretty much the same in both.

Before a Jesuit is admitted to orders in the Roman Catholic church, the bishop must be satisfied that he is a fit person. The claims of the Jesuits, in that respect, have been resisted. I do not believe they were ever yielded to in Ireland.

Whenever particular privileges are set up by any order of the church, they are generally resisted; and any particular privilege would be resisted by the bishops in Ireland. A question upon a privilege of that sort would be properly referred to the Pope; but I have no doubt if the Emancipation Bill passed, there is not a question of that sort that would not be easily communicated to the government.

There is an establishment for the education of priests in Kilkenny; the foundation of Maynooth is by no means sufficient, in my judgment, for the education of Catholic clergy in Ireland; the bishops have found it necessary to have a seminary for the education of priests themselves. There is one, I believe, in Kilkenny; there is one I know in Kerry;

there is one I know in Cork. I believe there is one in Limerick ; there is one at Carlow.

Those are under the regulations of the bishops, and not of any particular order ; there is a distinction in the Catholic church between secular and regular clergy. The parish priests, and those educated at Maynooth, are all of the class of secular clergy ; the friars and monks are all called regular clergy. The numbers in those colleges are limited only by the means.

There is a constant demand for Irish priests from England and America, and the West Indies ; and wherever the English language is spoken they are extremely anxious to get Irish priests.

The establishments I last mentioned, are for a younger order of persons than those at Maynooth. The bishops desire as much as they can, before they send any of their priests into parishes, to have them pass some time at Maynooth ; but Maynooth not being sufficient, I know several that were never even at Maynooth ; they were merely educated in the diocesan seminary.

I think it very important, that persons, who are candidates for orders in the Roman Catholic church, should be very early brought from their homes, and put in places of education, where they are under habits of discipline ; till lately, they were almost all of them children of a very low class, but now there are many of the gentry becoming priests ; there are many events that contributed to a tendency to increase the number of the children of the gentry disposed to become priests.

There was a class of persons, who went about the country, who called themselves poor scholars, boys who were to be educated as Catholic priests ; formerly there was a numerous class that begged its way to some education, by this means, and having acquired a knowledge of Greek and Latin sufficient, were ordained when they attained the age of twenty-three years and some months, and they then went to the Burses as they were called in France ; at present, I take all of the class of poor scholars to be impostors.

The class of persons educated at Maynooth, and at those diocesan schools, are mostly the children of peasants or small farmers ; but latterly several gentry are becoming priests ; there are a good many of them now in Maynooth.

I think an arrangement for making a provision for the Roman Catholic clergy, would be calculated to introduce children of a *wealthier*, not a *better* class. Those young men, when they get education, the cultivation has the same effect upon them, as it would have if they had been born of higher parents, and they make, at present, excellent and exemplary priests. If by *better* is meant, as I suppose it is, a *wealthier*

chms, it certainly would have that tendency, and a useful tendency for the purposes of government I take it, because they would not be so much under the influence of very low people, as they necessarily are, when all their relations are in the lowest stage of society. They would be an important link in the chain of society, and I think a very useful one. At Carlow they educate for the priesthood altogether, that is, a person may be appointed a priest from that college, who never was beyond the seminary.

The secular clergy in Ireland, are assisted by the regular clergy in the performance of their duty ; the secular clergy of Ireland, in the towns particularly, can never do half, or third of the duties, without the regular clergy ; for example, in the parish in which I live in Dublin, I myself, and my family, hear mass every Sunday, at a friary in Clarendon-street ; and the greater part of the Catholics of property in that parish, hear mass at that friary ; there are, probably, every Sunday, near 1,000 persons who go to communion at that friary alone ; now but for that friary, the parish chapel would never be sufficient for the numbers that desire to go to communion.

The difference that exists in the Catholic Church, between monks and friars, I take to be exactly this ; we have in Ireland what are called education monks, a certain class that are of novel institution ; I will put those for the present out of my answer to the question. A friar, in its present definition, signifies a person belonging to an order bound by a vow of poverty. The monks have large estates and fortunes. A friar, properly speaking, nor his convent could have any property, some of them are supported by mere mendicity, having taken the vow of poverty. The monks some of them took the vow of personal poverty, but the order was rich ; others were neither bound to poverty personally, nor by their order.

In Ireland the assistance which the priests derive from the monastic orders, in the performance of their duty, is chiefly afforded by that classs of individuals called friars. There is no other class in Ireland ; the Augustinians, properly speaking, were not friars, they were canons regular of the order of St. Augustine ; most of the convents in Ireland belonged to the order of St. Augustine, and that order has been continued, but they are now supported as the friars are in Ireland ; and they are all perfectly ready to assist the secular priests in their duties.

The convents in which females are, are very numerous throughout Ireland ; they are not to say very wealthy, but they all can support themselves, and their wealth is increasing, because each lady who comes into a convent is obliged to bring a certain sum, say three or four hundred pounds ; that money is not consumed, but becomes capital, and the interest of it supports the convent : the consequence is, that

as time rolls over them the amount of their capital is accumulating. I know the Ursuline convent in Cork well, but could not make any calculation of their property: they have lately bought, outside of the city of Cork, a very handsome domain, which they are inclosing with a very high wall and gardens, and building wings to the house that was upon that domain; they educate the Catholic young ladies of Ireland in great numbers; it is a favourite place of education for the young ladies.

I did not hear of their offering 30,000*l.* for an estate, but I should not be surprised, for the nuns themselves teach all the arts, and every thing but dancing, and then they live upon very little.

Their object is exclusively confined to the education of females; besides the duties of the nuns themselves, which are purely religious.

The other convent in Cork, which I believe is called Poor Clares, educates the poor children in great numbers, and I believe that they educate young boys; they have an immense number of poor children, I know, that they educate.

The Ursuline order in Ireland is generally confined to the education of the upper classes, but wherever there is not another convent of females to educate the poor females gratis, they always establish a school to educate the poor females; wherever there is a second convent it takes that duty; they only educate the wealthier classes, and are paid.

The Jesuits and Augustinians are the principal orders that are established in Ireland; there are Carmelites of two orders in Ireland, the shod and unshod Carmelites; the Dominicans and Franciscans of two orders, at the least; I believe some Benedictines, but I will not say positively of.

I have heard, that in case the Emancipation Bill was carried, there is a prospect of opulent Catholics now resident on the Continent, returning to Ireland with their property. And I know that if emancipation be delayed, some very wealthy Catholics will carry their property out of Ireland; I know instances where they are preparing to do it, urged by the greater acrimony of modern times, and getting weary of the contest.

With respect to the sentiments entertained by the lower orders of the Catholics, in reference to the penal laws, the opinion is universal, that they are governed by force; and that those who administer the law, are in an attitude of constant hostility against them, and there is a perpetual hatred amongst them against the governing powers. Its effect is to indispose them to every act of the government; and when a man is punished, his friends console themselves by considering it an act of violence and injustice, instead of being the administration of law towards him.

They are very generally acquainted and sensible of the disability they labour under, and if they want to be reminded

of it at all, wherever there are Protestants in their neighbourhood of their own class, they are reminded of it by the greater advantages of being Protestants which they see ; and if there be any thing at all of the orange in their neighbourhood, that reminds them still more strongly of it.

I am quite sure that I am consulting the interests of the Catholic gentry, when I say that I am certain Catholic emancipation would create great satisfaction among them; the links of society act upon each other down to the remotest part of the chain ; and if Catholics were emancipated, they would be in their various stations according to their talents and merit, as Protestants are ; and then the patronage of every kind would become equally distributable through the country, distributable from those individuals who are connected with the government through the country ; and as soon as that occurred, the line of distinction that is so marked now, of keeping the patronage in one class, would be completely effaced, the effect would be that the people and the government would become reconciled to each other.

And I am sure the removal of the civil disabilities, would coattribute very much to diminish the popular disorders and disturbances that have prevailed ; at present every oppression comes upon them with a double aspect ; it is oppression in itself and oppression from an enemy ; although I have never attributed the disturbances of Ireland merely to the want of emancipation, I am quite sure that the want of emancipation aggravates every thing of that kind, and consequently taking that want away would take away so much of the evil.

I am sure it would very much facilitate the return to tranquillity ; by itself it would not tranquillize Ireland, but without it I do not think you can ever have Ireland perfectly tranquil ; with it you would be making great progress towards tranquillity, with the prospect of arriving at it ; and one of its best effects perhaps would be, that it would put an end to the irritation prevailing between the various sects.

I take it, emancipation would completely extinguish those religious animosities which now exist, for I have always perceived, that when Catholics and Protestants of a liberal class come to know each other personally, the animosity diminishes even by personal knowledge.

In the county of Kerry there is scarcely a trace of it, with the exception of Tarbert, where there was a kind of hotbed for it ; it is unknown in Kerry.

A very strong feeling exists, and it is a mode of reasoning very prevalent among the people, that though it does not immediately affect the people themselves, still no children of theirs, however talented, can ever obtain the immunities of state, and their pothouse politicians do not fail to tell them so ; they remember some of the first names in Ireland having been

to such a degree, and impelled, before long, that every other man should be willing to do the same, over & the child of a Protestant, and the poor Protestant be left to them.

However I think it obvious that these disturbances contribute to retard the progress of religious reformation in Ireland, because last Saturday in this week there is no doubt less than 1000 persons were & were before manufactured from selling any article from among all the articles used for the service. And I cannot conceive to hinder the security of property better in Ireland.

And whilst we a very strong animosity exists in the minds of a great proportion of the Protestants themselves with their religious communion, in consequence of their religious practices not being granted so freely in the south of Ireland, a very majority of the Protestants are however now manifested allies for the continuation of the "Lambeth" service, with the exception of some of the most violent of a particular class of dissenters, who of those persons that are immediately connected with, and have a personal interest in continuing the service, the Protestants in the south in general, with a few exceptions, are either of Lambeth communions, as far as my knowledge goes.

I do not think the Protestants enter into the local much; a great part are for separation in such a way as the government would approve in having those who are not inclined to form at all of the communion. There are others that entertain apprehensions and invasion which require what are called securities. There are others again that would not consider us under any terms.

But I think the majority of Protestants will be favourable to Catholic emancipation upon account of compensation, on the same conditions as I myself would be very anxious to see accompany emancipation, that is, such conditions as would connect the Catholics and Catholic clergy with the government, precisely as the Protestants are connected with it; so that there should be no longer dissensions between one portion of the subjects and the other, either among themselves, or with relation to the government.

In the late disturbances in the counties of Cork and Limerick, and in parts of Tipperary, the attacks were as generally directed against Roman Catholic gentlemen as against Protestants, and in many instances the people that were murdered were Catholics.

Nor do I think that any more apprehension prevails in the minds of those Protestants, than in the minds of the respectable part of the Catholics, as to any consequences that may arise from disturbances in the country, the Catholics of course, equally anxious to put down those disturbances, where I have known it, in the least, equally

As to the course of education pursued at Maynooth college, I can inform the Committee, that the course is published; and that for a few pence, or at least a few shillings, the syllabus of the course of education there can be had at Coyne's, in Capel-street, in Dublin.

They complain of wanting books; the funds are totally inadequate, and without any disrespect I should say, there is what I would call a miserable penury in the way that Maynooth college is treated.

That want of books interrupts the course of study, according to the system pursued in the English university by books materially; but the mind of youth during the period of study, especially at Maynooth, where they are kept almost isolated from the world, where they are not allowed so much as a newspaper, in point of political information, there it is actually a want; there is an aptitude for learning, and such books as they have they devour in some measure, and become masters of every thing that is within their reach; there are four or five or six years in human life, when the mind is fittest for the purposes of the acquisition of knowledge; they are at Maynooth at that time living under a rigid discipline in point of hours, living very temperately in point of provisions, and secluded from the politics and pursuits of the world, much more, perhaps, than one would reasonably imagine; the consequence is, that all the influences upon the human mind tend one way, to acquiring as much knowledge as they possibly can; and the effect of that is really most striking in Ireland, with respect to the young priests educated at Maynooth.

The want of books is supplied by very copious and lengthened oral discourses, which the young men take down; and that is a most clumsy and tedious mode of education; and I can take upon myself to say, that those lectures never go beyond the mere dry course of theological studies; politics are totally excluded from Maynooth; even political economy, it would be quite a treat to a youth there to be allowed to study. Newspapers are excluded.

I have a nephew, who intends to be a priest at Maynooth, and when he comes to my house at Dublin, it is a great treat to him to be allowed to go over the newspapers, four or five or six weeks old. They are not even allowed to mix with gentlemen and others residing in the neighbourhood.

It has a good deal of monastic discipline. What surprises me most, with respect to the young educated at Maynooth, is, not that they acquire a classical and scientific knowledge, but that they really acquire a style in the English language, that is of a very superior order; they write admirably well.

For my own part I confess I think, that that perfect seclusion from common life is much calculated to improve the disposition and habits of the gentlemen who are destined to become

priests, and to fill important posts in life afterwards. The Committee will recollect, that celibacy is a principal feature with respect to the Catholic clergy; then, if at the period of life at which those young men are educated, they were not kept secluded, they never could, in my judgment, from the propensities of nature, so over-rule their passions, as to be able to live a life of celibacy afterwards. I think, therefore, that that species of seclusion is perhaps essentially necessary to the formation of the Catholic clergy; and I know, from those persons who are there, particularly those I see before me every day, that it does not at all prevent their acquiring even the manners of gentlemen, and the courtesies of civilized life.

My own opinion is, that there ought to be perfect religious freedom every where; but when I say, that I think that indifference as to religious faith is a bad thing, I think people ought to be perfectly cautious in selecting, and perfectly sincere in professing a religious faith, and with these notions I am anxious to see the priesthood deeply imbued with the importance of their station and situation in life; and I look to the solemn, marked and religious education of a priest as a great good in society. I do not think there is any practical evil at all from it; the liberality of the present age has done away, in my judgment, the possibility of any of those gloomy superstitions, that would be laughed out of society at present; and after all, perhaps, we hear more of them in romances than existed in any state of society: nor have I any fear that those gloomy superstitions are very likely to be imbibed in so close and strict an education as that at Maynooth, because they go through a course of natural and scientific philosophy, and they mix in their recreations with the world. Again, the very keeping away books from them makes them more anxious for them when therestrain is removed. Besides there is no prohibition upon the course of their studies, when they leave Maynooth for their vacations, or when they leave Maynooth to visit their friends, except the general one against any work tending to immorality, and particularly those works that would excite ideas of impurity, against which there is a particular caution, and a necessary one, for the kind of life they are leading. I know an immense number of priests that have been educated there, and there is not a tinge of that species of superstition even about the children of exceedingly vulgar people; and you would be surprised if you met them in society, to see how completely they had acquired the manners, and almost the tone, of genteel society.

And here I would wish to say, I think the present sum that is annually voted for Maynooth totally inadequate to the purpose, and I am quite convinced it is totally inadequate at the present; and that, without emancipation, there is great danger by reason of this inadequacy, because there is a greater

temptation to have Catholic priests educated in France, which is a growing evil to my own knowledge, although I am not able to inform the Committee of the comparative expence of education at Maynooth, and at the Burses in France, I am quite convinced it is less in France, so that the effect of increasing foreign education is rather to induce the lower class of the community to enter into the priesthood.

It is my decided opinion, that the objections that have been raised by many Protestants in Ireland to Catholic emancipation, have greatly lessened within the last ten or twenty years, and that the objections to that measure, on the part of the Protestants, are much weaker than they have been; and however, the mutual calumnies, as I hope they are, upon each other, of the Orange party and the Catholics, have more exasperated the Catholics, and also the Orangemen; and I think latterly there has been violence against us amongst the Orangemen; still among the Protestants there is less apprehension than formerly. I know of my own knowledge, that the Catholic Association has won upon a great number of Protestants, particularly in Dublin.

With respect to Orangemen and Catholics, there is a natural action and re-action; faults on both sides, in my opinion.

The Orangemen probably entertain a very improper notion of the Catholics; and some Catholics entertain very improper notions of Orangemen; and one of the beneficial results of emancipation would be, to put an end to that mutual action and re-action; but even without emancipation, the exasperation arising from that action and re-action might be greatly lessened, by both parties abstaining from violent language; but in point of fact, I am convinced it never will without emancipation; the Orangemen have a personal interest, many of them, in excluding the Catholics, as any man has an interest in monopoly. The Catholics, on the other hand, wish to share in the benefit of the things so monopolized; and when you add to individual interest religious zeal, when those both run in the same channel, they make so powerful a current, that it would be very hard to stop it.

But I think it is impossible that that good-will, which all wish to see in Ireland, can exist so long as the Orange lodges exist, and Catholics are excluded from being Orangemen. I think that if the Catholics were emancipated, and the Orange lodges continued in their present system, that however loyal a Catholic may be, he could not be admitted. As for example, the case of the Earl of Fingal, who fought the rebels in the year 1798, if he still were excluded from any society for his religion, that alone would perpetuate the animosity; and if the Catholics formed a similar society, it would have the same effect..

It is the general impression in Ireland, that no Protestant who ever has been a Roman Catholic, is admitted into the Orange societies ; and I believe that impression is founded upon fact thus far, that in the original oaths of the Orange-men, there is something to that effect, that he is not, nor ever was, a Roman Catholic.

If Catholic emancipation were granted, I doubt whether raising the qualification of voters would be a desirable measure ; but it is quite another question, whether so much liberty being purchased by emancipation, it would be right for the Catholics to make a stand upon the forty shilling freeholds ; as an individual, my own wish would be, to extend the franchise as far as I possibly could to every one.

I know the system of forty shilling freeholds is full of abuses, and with the extreme number of oaths with which it has been loaded, creates great perjury. I am myself a parliamentary reformer upon principle.

In point of fact, forty shilling freeholders of Ireland exercise no freedom of election whatever in many districts ; in cities I have known them to exercise it, as far as my experience went, with great disinterestedness, and at great personal sacrifices ; in counties, in general, they do not, for they become part of the live stock of a great estate.

It is valuable to them, notwithstanding ; for even in an estate where they are very much in the power of the landlord, the landlord is obliged, to a certain extent, to use the phrase I did before, to court them ; and it is of value to an Irish peasant in the south, to get a tenure of land, and to have a life in his lease.

I know the system that is in general pursued, of ordering electors into the hustings, and condemn it very much.

It is by a note from the bailiff, as he is called in the north, or the driver in the south ; there are great abuses in the system of regulations ; but if those abuses, particularly the perjury, could be done away, in that case I should be sorry to see the forty shilling freeholders abolished ; although I do not mean to contend, that as a condition of emancipation, some arrangement might not take place upon that subject.

I rather think, that by raising the qualification, you would raise the Roman Catholic influence in most of the counties in the south of Ireland, because the forty shilling freeholder is much more the property of his landlord, than the £5. or the £10. freeholder would be ; and as the greater part of the estates in fee are in the hands of Protestants, the consequence is, that with the forty shilling Catholic freeholders, the Protestant landlord has really an influence ; whereas the £5. or £10. freeholder would be more independent, and more likely to follow the bent of his own inclination. If we were emancipated, the question politically between Catholic and Protestant would, in my mind, be at an end.

. Freeholders in any part of Ireland, are proud of their franchise ; they all feel its advantages ; it is the first step towards not being exactly slaves ; it mitigates every part of the system.

In my own case, possessing a landed estate, I find that those persons who have leases for lives on my property, will go to the expense, which is allowed by law, to register their freeholds, without which registry they cannot vote, if I did not get them registered.

I believe that is the general habit throughout Ireland. I know instances where persons have had freeholds acquired by remaining upon common land upwards of twenty years ; and they have, at their own expense, unless somebody has done it for them, been quite ready to get them registered.

It is very true that that differs entirely from the nature of a common freehold interest in Ireland ; It is a fee simple, but it shews that there is an anxiety on the part of the peasant, to have the advantage of being a freeholder.

At present the elective franchise is excessively clogged in Ireland, certainly, there still remains the franchise in principle ; but in practice very much qualified by the regulations ; to a lawyer it is quite familiar, that, whenever you set about *mending* a thing by Act of Parliament, you increase the other mischief tenfold, unless the simple plan be taken of beginning by *repeating every thing that went before, and making your entire system in one Act of Parliament*.

And I am sure that the population in Ireland, of the lower class of freeholders, would not be satisfied to renounce what they consider an advantage, without any advantage being given them in return, and I should take it to be an excessively dangerous experiment to set about taking that right from the forty shilling freeholders generally, without doing something first to conciliate them.

I think, that it might be easily brought home to their understandings, that Catholic emancipation being granted, was a full remuneration for such loss ; more especially if the qualification was not made too high in the first instance, and leaving to the present class their right during the remainder of their lease ; and but my own opinion is strongly in favour of extending the right of voting, which could be extended every where, upon principles that to my mind appear the principles of the constitution and of justice. And I think if the elective franchise was taken away from the forty shilling freeholders, without satisfactory emancipation, there would be well-grounded apprehensions for discontent.

On the other hand, I think if a satisfactory act of emancipation was granted, it would be very easy to avoid all peril upon that subject. And I think the feeling the Catholics would have upon the removal of what they consider a stigma

upon their religion, would be that that was a greater benefit to them than any benefit they derive from the elective franchise. I do not think there is a people in the world more disposed than the Irish to enter into that view of it. But that the Protestant freeholders would consider such an act as an unqualified grievance upon them; nor do I think there are any means of reconciling them to it. I do not see how the Protestant freeholders of the north could be reconciled to it, unless by gentlemen possessing influence convincing them that there was some equivalent given to them, by increasing the general Protestant interest in Parliament, against the particular Catholic interests which would be promoted.

The law as to the Catholic charities in Ireland, I take to have been by a recent decision, favourable to them to a certain extent; there has been a decision, that a bequest for performing masses, is not an illegal bequest; but the Commissioners of charitable donations and bequests in Ireland being all Protestants, and having a power to litigate any charity they please, and whether they are successful or unsuccessful they are entitled to the full costs of that litigation, terrifies Catholics from making charitable bequests, who otherwise would. It would be quite right in any bill of emancipation, to regulate that.

With regard to money given for building schools, or houses or chapels, I do not think there is any difficulty in the way of any person who wishes so to dispose of his property, that an experienced lawyer might not easily obviate; there are difficulties with respect to trustees, who may not be so easily compelled to execute those trusts; but in practice, what we do is, to vest the property in six or seven trustees, and as soon as one of those die, or two or three, then the survivors nominate new trustees, so as to make up the original number; by that means continuing the property in joint tenancy, going to the survivors, in whom a personal confidence, from their character, is reposed; there is no danger of the intervention of heirs or executors, who would not be likely to perform the trusts; and it is by that scheme that Catholic charities are at present protected; but as that scheme requires a personal confidence, it is of course liable to abuse, and it is inconvenient, inasmuch as it creates expense, and creates trouble, and renders it necessary to have machinery to carry it on: whenever things of that kind occur, they naturally retard the progress of charity.

Therefore I am clearly of opinion, it would be desirable to have the law made more clear and satisfactory than it at present is; it is however, a very delicate subject to meddle with, and had better be reserved, if there were an Emancipation Bill, entirely for a subsequent consideration.

Robert John Wilmot Horton, Esq. a Member ; stated in substance as follows :

On the subject of Emigration from Ireland to the Colonies, I would refer the Committee to an extract from the Report of the Select Committee in 1823, which refers to the emigration which was then commenced, but the result of which had not then been known. To a certain degree, we have received information ; at the same time, as Mr. Robinson, the superintendent of that emigration, is here, I think the details of it had better be derived from him.

The circumstances that induced government to turn their attention to this subject were these. In the year 1823 it was considered that it might be desirable, with reference to the state of the south of Ireland at that time, to encourage a partial emigration, more as an experiment, than with any view that an emigration on so small a scale could produce any very beneficial results. Upon the subject of the emigration that has been carried into effect under the directions of His Majesty's government, specific information can be given ; with respect to the application of a more extended scale of emigration from Ireland, I am not in the least authorized, on the part of the government, to say any thing as an individual ; my attention has been directed to the subject, and if I can supply any information, I shall be happy to do so.

With regard to the probable effect of introducing an enlarged system of emigration from Ireland, I would observe, that I consider that it is an admitted fact, that in parts of Ireland the population may be considered as redundant, in the sense of the supply of labour being very disproportionate to the demand ; I should imagine, that in such a state of things no remedy could be more satisfactorily supplied than emigration carrying off that population, of the employment of which no opportunity can be there found, provided the expense of carrying such emigration into effect is not too great to justify such an expense. The estimate of the expense of the emigration, in the course of the year 1823, was completely justified by the result of the experiment. In 1823 the emigrants sent to Canada, consisted of 568. The expense per head was 22*l.* The Committee will understand, that the experiment having completely succeeded as far as it has gone, with the incurrence of the expense of 22*l.* per head. This includes the location of a settler, and his maintenance for a year, and being placed in a position in which he can carry himself on with his own industry under an average rate of seasons without any further assistance.

With regard to the scheme of emigration generally, I am decidedly of opinion that 20*l.* for each person (the proportion

of men being as one to four) may be considered a correct estimate, and one that may be safely adopted ; and I trust it will be found sufficient to embrace the allowance of the superintendent.

ON THE STATE OF IRELAND.

ABSTRACT of Expenses incurred in settling 568* Irish Emigrants in Upper Canada, including their transport from Cork to Quebec.

<u>Appendix.</u>		£	s.	d.
1.	Navy Board	3,771	17	7
	Steam boat at Cork, for embarking Settlers	17	13	3 <i>1</i>
2.	Mr. Robinson's expenses in Ireland, and passage to Quebec	187	9	8
3.	Amount paid by the Commissariat in Canada currency, £. 860 14 4			
4.	Do. by Mr. Robinson do. 8,028 3 5			
		£.8,888	17	9
	Do. of Stores issued to the Settlers by Colonel Marshall, valued at	8,000	0	0
5.	Mr. Robinson's Expenses from his arrival in Canada, the 2d Sep. 1823, until his return to England, April 2d 1824.	349	4	0
		Currency, £246 11 7		
		221	18	6
		£	12,539	3 0 <i>1</i>

* 182 men, 143 women, 57 boys between 14 and 18, and 186 children under 14, Total, 568.
December 22, 1824.

P. Robinson.

I should certainly feel great hesitation, particularly before this Committee, in offering any opinion as to what extent the annual emigration ought to go, in point of numbers, so as to produce any influence upon the population of Ireland; it is scarcely possible to state any opinion upon the subject, without, in some degree, making an allusion to that presumed redundant state of the population of Ireland: to come first, therefore, with that qualification, I will state my opinion: In the first place, the capabilities in the colonies of Canada alone, of receiving a population, are found to exist to so great an extent as would probably surprise the Committee, without examination in detail of the circumstances of that colony. I see no reason in principle, why the emigration, which has been successfully carried into operation in the year 1823, and respecting which the most ample details can be given to the Committee, may not be carried into effect with reference to any conceivable number of persons disposed to

emigrate; I mean, there is nothing in the amount of the numbers which would make it impossible to apply the principle; if a hundred men can be located at a given expense, in a given district in Canada, I see no reason why 100,000, 200,000, or 500,000 are not to be located at the same rate of expense... I think it is a material point to establish that fact; in Upper Canada alone I have no hesitation in saying, there is the most distinct evidence that 160,000 persons can be received. The present Governor of Lower Canada, Lord Dalhousie, is now in London; if the Committee think fit to avail themselves of the accidental circumstance of his being here, to give information with respect to Lower Canada, the province immediately under his government, he would be prepared to inform the Committee, that in one district alone, and that is the district of Gaspé, situated to the south of the St. Lawrence, and immediately to the northward of New Brunswick, he will tell the Committee, there is no doubt that in that province, where the soil is remarkably fine, and the climate good, and where there is an earlier spring than in the western parts of Lower Canada, that that province alone would absorb a population with the greatest facility of 500,000 persons. I wish to press upon the Committee, that in speaking of this subject as a colonial question, there is no limitation to the extent to which population can be absorbed, and that the local government would not feel any difficulty in disposing of them: And with respect to the practical question, as applied to Ireland, it appears to me to be simply this; if you have a redundant population, and that population agricultural, or capable of being applied to agricultural purposes, if you can remove that population at the rate of 20*l.* per head in so satisfactory a manner as to remove them from a situation, where, I presume, they are exposed necessarily to every inconvenience, and where their situation must expose them to every sort of temptation of outrage and disaffection; if you can transport them to your colonies, and transmute them into an orderly, satisfied and contented peasantry, whether it be or be not worth while, in a national point of view, to incur such an expense for such an object.

In making these observations upon emigration, I restrict myself entirely to the two Canadas; but there is the province of New Brunswick, which alone would absorb an enormous population, and there are other colonies which are capable of receiving emigrants without any limitation. In fact, if it be demonstrated that the removal would be a justifiable expense for the country to incur, it does not appear to me, that there can be any sort of difficulty in locating the emigrants in the colonial possessions of the empire.

Upon the subject of voluntary emigration, unconnected with any support from government, and which subjects those who

enter into it, to most serious inconvenience; I think is well worth the consideration of the Committee, whether any measure can be adopted to put that system of emigration under some regulation.

"It appears that the emigration from Great Britain and Ireland to the Canadas, which commenced shortly after the final establishment of peace in 1815, went on in gradual increase from 5,000 or 6,000 persons in the course of a summer, to 12,900; all of whom were landed at the port of Quebec, 19 out of 20 being casual emigrants. In the years 1822 and 1823, 10,800 emigrants upon an average, annually arrived at Quebec. By far the larger proportion of these were little better than paupers. Having paid from four to six pounds for their passage and their sustenance on the voyage, they found themselves destitute on arriving at Quebec; they had neither the means of going upon Crown land if granted to them, nor of cultivating it. The greater part, if they had money to pay their passage up St. Lawrence, or if they could obtain it by a few days labour at Quebec, hastened on to Upper Canada; and of those who did so, perhaps one-half went on to the United States. Few remained and became useful and effective settlers in the lower province. The proportions of the whole emigration to be assigned to the three nations, may be stated at about three-fifths Irish, and the remainder English and Scotch, with a larger proportion of the latter. Of the English and Scotch, perhaps one-fourth at least brought money or other resources with them. Of the Irish, scarcely one-twentieth landed with any thing but a scanty provision of clothes and bedding. Those who had not the means of settling on land, or who did not, or would not go to Upper Canada or the United States, remained as labourers in the principal towns of the Lower Province; and when the approach of winter at once diminished their sources of employment and increased their wants, they became a burthen on the community.

It is satisfactory however, to know, that up to the close of the navigation of the St. Lawrence, this autumn, only 7,500 emigrants had arrived at Quebec, and that the greater part of these were of a better class of people than those of former years, and better provided with the means of subsistence.

In the district of Quebec, within the last year, it has been ascertained that the expense of conveying a family of emigrants to a distance of 100 miles up the St. Lawrence, and of furnishing them *tools* and *provisions*, has not exceeded 10*l.* for each family.

In 1817 the voluntary unregulated emigration was 6,976; in 1818, 8,221; in 1819, 12,907; in 1820, 11,239; in 1821, 8,056; in 1822, 10,470; in 1823, 10,258; in 1824, 75,000;

most of them came from Ireland.—Three-fifths of them were Irish, the other two-fifths English and Scotch.

What measures appear to me, If I am asked as practicable, to assist this voluntary emigration; I think I cannot do better than read the address to Lord Dalhousie, from the Quebec emigrant society; which points out very clearly the inconvenience and expense which is incurred by those voluntary emigrants.

*"To His Excellency Lieutenant General The Earl of Dalhousie, G. C. B. Commander of the Forces,
&c. &c. &c.*

" The Members of the Quebec Emigrant Society, an institution which, for several years past, has received such essential assistance, as well from the private liberality, as from the patronage, influence and authority of your lordship, feel themselves called upon, by their sense of gratitude to your lordship, by their regard for the interests of the association, by their feeling of the public importance of this charity, and their experience of its necessity, to lay before your lordship, upon the eve of your visiting the mother-country *A Statement of their application of that Bounty*, which was procured by your lordship's interest with His Majesty's government at home, and of the repetition of which they have been led to indulge the hope; a hope which, as they trust, will not be prejudiced by the inspection to which they now submit the discharge of the duty confided to their hands. Your lordship is well aware, that the influx of emigrants disembarking at the port of Quebec has not been lessened, the number having amounted, in the last season, to 10,258; add that the proportion of these who are unable to proceed further, is by many degrees greater than the city can either provide for, in the way of labour, or relieve in the way of charity, especially after the commencement of that severe season, which at once diminishes the sources of employment, and increases the wants of the poor. The Bounty, therefore, of His Majesty's government, of which so large a share was, for the reasons just stated, assigned by your lordship to Quebec, was a relief most opportunely bestowed; but the society have been far from regarding it as a mere transfer of the burthen of charity from the shoulders of the citizens, to the resources at the command of government; they have felt themselves responsible for the application of this bounty in such a way as within the range of their exertions, should at once produce benefit to the country, and promote the permanent advantage of the emigrant, by inciting him to good habits, or preserving them, if already acquired, and by aiding him in the actual settlement of his family; the operations, therefore, of the society, within the

last year, have been distributed under those several heads:—

" 1st. The relief of helpless indigence. Among the settlers of the year there have been found, as usual, widows with young children, and sickly persons, perhaps with whole families attached to them, either wholly destitute or insufficiently provided with means to procure food, clothing, lodging, stores and fuel. Although these wants have been supplied under the most economical arrangements, and with a systematic calculation of improvidence in the persons to be relieved (to whom therefore, it has been very rarely in the shape of money that relief has been extended) this branch of expenditure has amounted to 200*l.*—2d. The providing of work. The society have long made it a rule to extend no mere charitable relief to any able bodied men, and to answer the plea of distress from want of employment, by furnishing employment themselves. During the last season they have continued the system of employing a number of settlers in breaking stones for the roads, and others less prepared to endure exposure to the climate, in picking oakum or making mats. As it was the object of the society to render the acceptance of their offer of work a test of real distress, these men were paid according to a scale framed, barely with a view to enable them to provide the necessaries of life, and made to vary with the number of persons dependant upon the labour of the individual; a man, with nine children under the age of labour, receiving 10*s.* and a single man 5*s.* a week. Spinning and knitting were also provided for the women. The necessity, however, in many cases, of assisting the labourer in the first instance, in clothing, with other circumstances, placed it out of the calculations of the society that they should receive any thing like an adequate return for their disbursements; the proportion of which, both to the work performed and the profits accruing, is hereafter stated.—The third and last branch of expenditure has been, that of aiding the settlement of emigrants. A selection having been made from among the labourers in the society's employ, of men of good character and steady habits, and the necessary arrangements having been executed with Captain Chandler, seignior of Nicolet, and Mr. Jusherean Du Chenay, seignior of Fanpambault, with an appropriation of the average sum of 10*l.* for each of thirteen families at the former place, and the same average sum, with a deduction for the difference in the expense of transport, for each of six families at the latter, to be expended under the direction of committees, in tools, provisions and other necessaries. The society have thus put it into the power of large families to take their portion of the wilderness to be converted into a scene of culture and habitation; and to lay the foundation of comfort and independence for themselves and posterity. It remains only, that the society profess once more their

lively sense of obligation to your lordship, and their disposition to engage with alacrity, under the auspices of your lordship, in the repetition of their task, should they be chosen again as the channel for conveying that bounty of His Majesty's government, for which there is all appearance that the call will yet continue to be urgent."

"STATEMENT;

Dr.	1823.....	and.....	1824.	Cr.
To Expenses in placing 13 families of Emigrants, on lands, at £10 each family, at the seignory of Nicolet	190 0 0		By Amount placed at the disposal of the Emigrant Society of Quebec, from the bounty of His Majesty's Government; viz.	
To ditto six families, at Fanpambault	15 0 0		£750 sterling, equal to currency	883 6 8
To Disbursements in the relief of helpless indigent Emigrants.....	200 0 0		By value of Stone broken by Emigrants	103 10 5
Disbursements of the work Committee	900 0 0		By value of Oakum picked, and Mats	58 13 0
Paid for Passages of Emigrants forwarded to their friends in the interior of the country, and of widows' and families who have returned to Ireland	68 0 0			
		£713 0 0		
To Balance in favour of the Quebec Emigrant Society,	282 10 1			
		£995 10 1		£

I would observe here that it is of extreme importance with respect to emigration, that the emigrants should have enough to start them fairly in their new country; if not, they necessarily become a burthen to the community, and if the committee were to examine Lord Dalhousie upon this subject, he would state his opinion of the necessity of affording some sort of actual local superintendance over this system of emigration. It has been adopted with respect to military settlers with the greatest possible advantage; it may in some degree increase the expense. I allude to the establishment of a sort of police superintendance, to take care that the people execute the purposes for which all this benefit has been conferred upon them, and therefore under those circumstances it would be necessary in any emigration from Ireland, that this point should be perfectly understood by the parties going out.

I think it is extremely necessary that the two distinct characters of emigration should be kept separate; that which the government may direct, and to which the national money may be applied, for the purpose of relieving parts of Ireland where the population is considered to be redundant; and voluntary emigrations, because probably those emigrants will be found to be of a very different character, and to include very different classes of persons; and the same political rea-

sons may not make it desirable to encourage the one so much as the other. Nothing would be more easy than to establish regular communications between committees appointed in Ireland and committees at Quebec, to regulate that species of voluntary emigration to which the minute I have just put in from the Quebec emigrant society especially alludes; in fact the existence of the Quebec emigrant society shows at once that there is a body of persons who would be ready to communicate and to carry into effect any mutual arrangements of that nature.

I should wish to take this opportunity of adverting to the satisfaction which has been unequivocally expressed by the emigrants, at the change in their situation, and which appears in the strongest manner from the letters which they have addressed to their friends in Ireland:—but I should feel some hesitation in laying them before the committee as public documents, as the letters are strictly private.

Before I go further, I beg leave again to state, most cautiously, that I am only giving an individual opinion, and not in the slightest degree pretending to give the opinion of the government; perhaps I might even say that my opinions may differ very materially from other persons who may have considered this question, but I certainly am inclined to think, from all the information which I have been able to acquire, that there are districts in Ireland, in which the abstraction of 200,000 unemployed persons (and persons who, whatever may be their conduct in Ireland under their existing circumstances, would be likely to make very good emigrants) would be attended with the best possible results. I feel more satisfied myself of the possible advantages to be derived from the removal of such persons, than as to the question how far the expense, in a national point of view, can be justified; but I take the liberty of observing here, that the expense is by no means thrown away in a national point of view, because we must take into our consideration the improvement which the colonies are to derive from the presence of these persons, and from the cultivation of their waste lands, and the consequent general increase of national wealth which would be there produced, where especially no evil would result from any further increase of population.

Having stated, that the superabundance of population in Ireland is merely relative; if I am asked do I think that the applying the four millions, which it would cost to export those two hundred thousand persons, as capital in Ireland, would give them sufficient employment, so as not to make them superabundant population in Ireland,—I certainly am of opinion that greater advantages would, as I have already stated, take place from the introduction of capital, after a certain proportion of the population had been taken away; I do not at all mean to say, that I contemplate for a moment

that all the redundant population, in the sense in which I employ that term, can be removed, but I think the removal of a part would give a greater effect to the introduction of capital. The question is, how are you to employ this capital; I must presume, that capital would naturally flow into Ireland, if there was a chance of that capital producing a beneficial return; and therefore till I am informed in what manner it is proposed to employ four millions, in the introduction of capital to put this population in employment, I can hardly be expected to give an answer to the question; and I again repeat, that I must presume, that if there was a conviction that capital could be beneficially employed, it would flow into Ireland without any operation on the part of government.

When I say, that the abstraction of a certain portion of this redundant population would be a good preparation for the employment of capital in Ireland; I mean, that it would produce an increase of tranquillity, which would tend to encourage persons to send their capital into Ireland, and then the introduction of capital might absorb the whole redundant population, and the natural result of an employed population would ensue. It is necessary, in calculating the expense which has been alluded to, as compared with the wages of labour in Ireland, to take into consideration the advantages which are to arise to the country in a national point of view, from the removal of those emigrants. We have colonies requiring population, which feel every hour that it is the want of population that prevents their resources from coming into play, and which are ready to receive this particular class of population, which it is contemplated to send them; and I should imagine, that so far from the expense of that four millions being lost to the country, if traced accurately for a series of years, this capital would be found to have reproduced itself in the colonies in the most beneficial manner, it would unquestionably be a present outlay of capital, but ultimately there would be no loss incurred.

This money that is to be expended in carrying out of emigrants to Canada, would be just as much a forced application of capital as if the money so devoted were to be employed in carrying on manufactures; and, if the capital was employed in manufactures, it would be reproductive, provided it was employed beneficially.

And I have endeavoured to explain to the Committee that I conceived it to be impossible in a national sense, if you choose to consider the interest of your colonies as the interest of your empire, to incur an expense more beneficial, or with greater probability of reproduction, than to lay out four millions to locate men and to cultivate the waste lands of the provinces of Canada; I mean that the result of that cultivation would be in the highest degree productive; and if you look at ulterior

results, would amply justify the measure in a mere financial point of view ; although in the first instance it is necessarily attended with an outlay of capital. As to an estimate of the comparative advantage of employing capital in manufactures in Ireland, or employing it in transporting the redundant population to cultivate the waste lands of Canada, I have no means of giving a distinct answer, except that I presume if there was any probability of a beneficial result, that individuals would, without the assistance of the government, embark their capital, and absorb the population by employing them in Ireland. But I also beg leave to express an opinion, that unless this measure of emigration be coupled with local measures in Ireland, to prevent that tendency of the population to increase as it has done, that I conceive, though it would be a useful palliative, as a measure of ultimate benefit, it would be very much diminished in its effect ; but it would be highly useful, as a measure concurrent with such measures as it is the province of this Committee specially to consider, and certainly the attention of the public and the government seem now most distinctly turned to the subject, and if this measure of emigration were coupled with that, it would produce the most satisfactory result.

If I am asked whether I think, the inevitable consequence of a greatly increased extent of population in Canada, would be the acceleration of that period at which Canada will be separated from this country, and become one of the United States ? As an individual, I should say, I am entirely of a contrary opinion ; I think that nothing would tend to produce a contrary effect, so much as an increase of that population.

Whether they would be disposed, in proportion as they became more populous and more powerful, to rely rather on themselves than on this country, or any other ?—Is a most important question, to which I should be very sorry to give any answer ; I can only say, that I see no reason in principle, why a well-governed and well-administered colony is to desire a separation from the mother country ; if it be the necessary tendency of a colony to do so, that is another question.

The communications received from the emigrants in America have led us to believe that they are satisfied with their condition there; undoubtedly, at the last period at which we have received communications from that country.

Observations have been made in those communications, with respect to the state of the administration in the colonies, as far as relates to religious distinctions, as contrasted with their position in Ireland ; expressing the satisfaction of the emigrants at being placed in a country where there are no religious distinctions, there being no distinctions of civil rights, in consequence of religion in that country.

The Roman Catholic may be considered as a concurrent

religion ; it is an acknowledged and recognized religion there, and it does not lead to civil disfranchisement; but the Protestant religion is the religion by law established in Lower Canada, under the Quebec Act, the Act of 1791. The Roman Catholic religion is provided for by an establishment from the State in Lower Canada; and there is an establishment for the Protestant religion. They are both provided for. The provision for the Protestant religion is a reservation of the land for the Protestant clergy; but, in point of fact, the greater part of that property at present, owing to want of population, is not productive, and yields very little revenue. The Catholic establishment is provided for by large grants of land, but not under the same Act : they existed previously. The portion of land set aside for the Catholic clergymen is more productive than that set aside for the Protestant, because it has been longer in occupation. There are no tithes paid to either, throughout America there is a substitution of glebe. The Catholic clergy, in Lower Canada, receive some tax from the land in lieu of tithe. The provision for the Protestant clergy was a reservation of the seventh of all land granted after the period of the passing of the law; that is in fact the fund for the support of the Protestant clergy; but from the want of population there, the proceeds have been very small indeed. The state of it is this, upon the accession of Lower Canada, the old establishment, which had been made for the Roman Catholics, was left with the Roman Catholics ; and a future provision was made for the Protestant Church, which was to be effected by reserving a certain portion of the land.

Mr. Peter Robinson, called in ; and Examined.

I was employed as superintendent of the emigration of last year, from Ireland.

The manner in which that was carried on with respect to collecting the emigrants and sending them from Ireland, was, I endeavoured to get small farmers who had been dispossessed of their lands, and particularly such persons as had been brought up in habits of agriculture.

When I first made the terms public upon which the government would send settlers to Canada, they were received with a good deal of jealousy by the people, who seemed to consider it a plan of the government to get rid of them, rather than to relieve them, and this they expressed to me very freely. However, after some time, they were more ready to come forward ; and upon their meeting with a few of their friends who had been in Canada, discharged soldiers and others, who could explain to them the situation of the country, and the certainty there was of their getting employment, and

finding the information they got in this way to correspond with what I had already told them, they soon began to think more seriously of my proposals, and to come forward to accept of them. This feeling to emigrate, spread rapidly, and I found no difficulty in getting any number I chose. The emigrants I took, were selected from the persons who were recommended to me by the principal noblemen and gentlemen of the country, as being absolutely paupers, and such as it was particularly desirous to get rid of.

But I could have procured many more emigrants, if I had had the means of carrying them out. They came along side of the ship in numbers until the hour we sailed, and were always much disappointed at not being received. The provisions found in the vessels for them were beef, pork, oatmeal, cocoa, cheese, butter, and biscuit, the usual provisions for seamen; and an allowance of tea and sugar for the women; and they were very much satisfied at their situation when they arrived at the place of their destination. Fortunately, the autumn was unusually pleasant and free from rain, and they suffered less from exposure than could have been expected, or than they would have done earlier in the season; and, arriving late, there were neither flies or mosquitoes in the woods to annoy them. They were first encamped in the immediate neighbourhood of persons who had been placed on their lands three years before, and many of these their own countrymen, so that they had an opportunity of seeing how far advanced, and how comfortable they were, after three or four years residence in the country; and this seemed to encourage them very much. In justice to these poor people I should remark, that during the three months I was with them in the forest, there was neither constable or magistrate within twenty miles of us, and that they at all times shewed the greatest readiness to obey me in every thing; and I never met with people more grateful for any little acts of kindness; and there was every reasonable chance they would be able to provide for themselves after the first year was expired, during which they were supported by government. They will be able to provide Indian corn and potatoes sufficient, and the latter supplies the place of oatmeal; and those who have an opportunity of working out during the harvest, may supply themselves with wheaten bread; of potatoes, they will have an abundance. The cow, given to them by the government, will also add much to their comfort. I do not think, however, in case of any further emigration, that the expense could be in any way reduced, that was incurred last year, except in the shipping, or a reduction on the price of provisions. The shipping was provided by the Navy Board. I left Canada in February last. These people were located in November, 1823.

I left them last February; the surgeon who attended the settlers arrived a few days ago; he left them in November, and he informs me that some of those who had boys to assist them had last summer ten acres cleared and in crop, and the remainder had on an average four acres as completely cleared as is usual in a new country; not the stumps taken out, but sufficiently cleared to produce a crop; and there was every probability of their being able to produce a sufficiency to maintain themselves and their families.

I found them much more intelligent than I expected; most of them could write and calculate their allowance of rations to the eighth part of an ounce; in that way they were quite intelligent. There were many mechanics among them. I have been in Ireland since my return from Canada, and have made promises to sixteen hundred persons, to take them this year, and they have disposed of any property they might have, upon a full understanding that they are to go. During my residence in Canada, the subject of religious differences was frequently spoken of by the emigrants; and I conceive that the absence of religious differences in Canada tends to make them more happy and satisfied with their lot than in their own country.

In the 568 persons whom I took out, I think there were but ten Protestants; the remainder were Roman Catholics.

On the 23d of April last, the militia were called out to a general muster or training, and among the rest the Irish settlers. This meeting unfortunately took place near an inn, kept by a man named Morris, who previously had rendered himself obnoxious to the settlers; and in consequence of some expressions made use of by the old settlers, who were jealous that those men from the south of Ireland, who, they said, had done nothing to entitle themselves to any bounty from the government, further than keeping their own country disturbed, should be more liberally dealt with than they had been. A breach of the peace ensued; shortly after, a warrant was issued to apprehend the persons who had committed the assault; and the constables, instead of going to the proper dwellings of these people, very unwisely went to the dépôt, the morning after St. Patrick, where a crowd of the emigrants were assembled in the yard. The constables proceeded to execute their warrant. However, when they were assured that resistance would be made, and were advised by the most sober not to attempt enforcing their authority, they returned, giving a very exaggerated account of the affair. Upon this the magistrates took the alarm, and sent a stronger force to compel the execution of their orders; and the consequence, I regret to say, was the sacrifice of the life of one of the settlers. That these poor people were hardly dealt with, and most injudiciously, I am assured of by the very best autho-

rity; and I am informed, by a letter from Major Wilkie, ~~secretary~~ to the governor of Upper Canada, that, at the strong recommendation of both judge and jury, the fine imposed upon the offenders was remitted; and that good feeling and perfect tranquillity were restored.

With regard to cloathing they were badly off, being so very poor. They were supplied from the government stores, with blankets, and some bedding.

They were located above 300 miles above Quebec. I do not think however, that any great deal of inconvenience will arise hereafter, from the difficulty of supplying themselves with clothing.

After being in possession of their land five years, they pay a quit rent of two-pence an acre, redeemable at twenty years purchase.

The satisfaction they expressed was, not at finding themselves in a country where the Catholic was the established religion, but in a country where there were no distinctions on account of a difference of religious opinion.

In Upper Canada, the Protestant religion is established; in Lower Canada, the Roman Catholic; in Upper Canada the revenue arising from the appropriation of one-seventh of the land is applied entirely for the support of a Protestant clergy; and the people are generally Protestant. In Lower Canada, both the Catholic and Protestant clergy are provided for; but the Catholic religion is the prevailing one; and the Catholic clergy have, I believe, the same claims upon the landed estates and other property they had at the time Quebec was conquered by the British, although some alteration has taken place in the mode of collecting their dues.

Those emigrants I speak of have gone to Upper Canada.

Do the voluntary emigrants experience much difficulty after they arrive in Canada, before they can get either employment or settlement? That depends of course entirely upon what means they have. If they can get to Upper Canada, there is no difficulty in procuring land to settle on; nor any forms to go through, that a settler cannot easily manage.

Are there any fees to be paid? The only fee of 5s. upon presenting the petition.

Do they obtain land without paying fees? They get an order of council for a lot of land, which puts them in possession, and the fees may be paid two or three or five years afterwards.

Do you know the amount of fees? The fees on an hundred acres will be something like 8*l.*

Many voluntary emigrants arrive without having much means, or any means. They remain in Quebec during the summer season, where they are employed in loading and unloading ships, and about the harbour. They occasionally find

their way up to Montreal, and to Kingstown and York, and there they are sure to find work during harvest; in the winter season they suffer a good deal. The demand for labour there is very considerable, as well as at Quebec; but by the 1st of October, this in a great measure ceases at Quebec. The rate paid by the day for a man's labour in Quebec, is 8s. I should think the expense of living for a common labourer, about 8s. a week. There is a considerable demand for labourers for the timber cutting, very great; but persons who emigrate, for the first year are not sufficiently acquainted with the use of the axe to make themselves useful for that labour.

The distance from Quebec to the part in which I have settled those emigrants in, is about 300 miles. The road is from Quebec to Montreal; from thence to L'Achene, and then following the St. Lawrence to Prescott; we there leave the river, and proceed across the country sixty miles, to Ramsay, in the district of Bathurst.

I think the colony would be materially benefitted by the arrival of a great number of those emigrants from Ireland.—To the full amount in time of the expense of sending them out.

The demand for labour at Quebec ceases in October. There are annually from six to 700 ships arriving at Quebec, and the greater number of those return loaded with staves, deal, and square timber, and many people are employed in loading it. That demand commences in June, so that from June till October, there is a considerable demand for labour. When the navigation closes, that demand ceases altogether; and that produces so much misery among the emigrants at Quebec. They stay there as long as they can earn a shilling, which is spent generally as fast as they get it; and on the approach of winter, they find themselves without employment or the means of living.

The large forests are a great way from the place where these emigrants first arrive. The first port they land at is Quebec. It is the first in Canada, and they must go a hundred miles at least, before they can be employed to cut timber. The country is all cleared up to that;—it is partially so, that no very extensive employment would take place in clearing lands nearer than a hundred miles from the place of landing. The voluntary emigrants suffer much, particularly those with large families. So that it is very distressing to see them land.

The Emigrant Society at Quebec has relieved a vast number, and assisted them in getting to Upper Canada. Then they become absorbed in the population of the colonies, after two or three years spent in working for the old settlers, who in general are rather disposed to receive the emigrants in a friendly way. In point of fact, very few deaths take place, in consequence of this misery.

to itself, because they place them in a much better situation in Canada than they were in Ireland.

If the emigrant was required to find his own provisions, and the merchants had a great quantity of shipping being wanted, that any number might be taken out for about \$4. 10c. a head. The emigrant finding his own provisions, and the shippers only finding water and coals, and a surgeon, and births.

The number of emigrants has considerably decreased latterly; at the close of the war there was an emigration of about thirty or forty thousand. I think the present emigration is from fifteen to twenty thousand.—All descriptions of persons go; but there are not so many extreme poor go as used, the present price being too high.—Mostly all that go now are agriculturists; those who went early, that is, some years since, were artizans.

They go from different counties almost every year; I think the northern and midland counties are the principal, and some towards the west; Longford was the great county last year.—And I think more Protestants go than Catholics; that is, considering the relative situation in which the two bodies in the population of Ireland stand to one another; there is a majority of Catholics go, but still, taking the Catholics as standing six to one to the Protestants in the country, I think there are not probably more than three to one in the emigration.

The general custom is, that when a family is about to emigrate, two or three of the youngest and strongest go first; and then, when they obtain a footing, they send the rest of the family; they generally do not send the whole of the family at first, without they have some means. What I would recommend is, to give them nothing but a free passage; I think the present government is giving them too much; when you place them in a better situation than you find them in, they become immediately jealous of your motives; for the lower orders of the Irish are not in the habit of having presents upon that extensive scale made to them; but if you divide the expence and the difficulty with them, you give them quite sufficient assistance to place them comfortably in America, and at the same time you bring their own abilities into action, so as to facilitate the object of their emigration.

If only a free passage was given, conceive that there would be a great many apply to go out under those circumstances.

When they got to America, they would immediately go up the St. Lawrence. My reason for recommending only a free passage being given to them, is, that we know fifteen to twenty thousand a year go and pay their passage; and there can be no difficulty, if twenty thousand succeed by paying their passage, that fifty thousand would succeed if their passage was,

or them.

might make them deposit five pounds in Ireland, and

give it them back when they got to Canada; that would prevent their becoming burdensome to the colony.

There is always abundance of labour in Quebec; and the misfortune is, that the wages being high in Quebec, they do not go up the country; and then, when the winter comes on, they are obliged to go up the country, as the employment ceases then. And when they remain at Quebec for the winter, if they become burdensome, the police or the government order them in twenty-four hours out of the town; then they go to Montreal, and they do the same at Montreal: after that they generally proceed up to New York or Upper Canada.

And here I may observe, that I am sure it would be very essential to have a land office opened at Quebec. There is a voluntary emigration society in Quebec, which has done much good; but, generally speaking, the emigrants lose a great deal of time in making enquiries.

Most of those who have gone out have generally succeeded, and become comfortably established in America; we do not find any of them come home again, except sometimes to fetch the remainder of their family; they all seem very much delighted with it; and, generally speaking, the lower orders view America as a sort of Land of Promise; they have generally succeeded both in the low parts and the Canadas. I have taken them out for landlords, when the landlords have paid their passage; and I have no doubt that the lowest description of Irish peasantry, if their passage were paid out, and lodged for them at Quebec, could make their way; providing the first emigration is of persons possessing a trifling capital, so that they would be able to locate themselves upon the lands; and they would be able to employ the next year's settlers. In obtaining locations, the government fees used to be very heavy, but I believe they have been repealed latterly; in fact it was cheaper to buy land than to take it a present from government. Every body that applies, I apprehend, gets seventy acres for a man, fifty for his wife, and twenty for every child: for which he is required to build a house the first year, to clear five acres, and cut a road opposite to it. And I believe every individual emigrant that applies can obtain land on those terms in Upper Canada; if he wants to settle nearer he must purchase.

With regard to climate and productions, — it is rather severe in winter, and warm in summer; but as the country clears, the winters get milder. It grows ordinary crops of corn and potatoes, as well as these countries; and tobacco has succeeded very well there.

In regard to the building of ships in Dublin, I think the state of combination among the carpenters throughout Ireland, which is a branch of what is termed there the Union of Trades, is of very serious consequence, both to ship-owners

and the manufacturing interest; in fact, to all capitalists concerned in trade. The Union of Trades consists of a union of all trades throughout Ireland, carried on by direct communication throughout all Ireland. I believe it is a regular society; and I am rather inclined to think it has often been confounded with the Ribbon-men's societies. The object of this union is to keep up the price of labour. The way they carry their object into operation is by preventing the number of apprentices in all trades; they keep down the number of apprentices, allowing you to employ no more than a certain number, and if you do, they often assault and commit murder. There are four ship builders in Dublin, and they have been prevented from taking as many apprentices as they wished. There is a gentleman of the name of Hatton, who has taken one more apprentice than they allowed; they allowed him twelve and he has taken thirteen. They turned out against Clements; they have turned out against all the masters alternately. At present there has been *no violence* committed by them; but generally speaking, there is great violence; for instance, if the carpenters turn out, they employ the joiners to beat people, if the joiners turn out, they employ the carpenters, which prevents the people that suffer from recognising the people that assault them.

Assaults of this description have lately taken place on the printers in the Morning Post Office; and they nearly killed two labourers.

They have been able to establish a general intimidation over the workmen by their proceedings. The case of Mr. Robinson was a very striking one; he was an eminent iron manufacturer, he went to a considerable expense, and erected an engine for the making of nails, the same as in Birmingham; and the nailers immediately went forward, and would not work for any person that bought Robinson's nails; but finding that Robinson was too strong for them, they then got a meeting of upwards of three thousand, who said, that if the masters compelled them to drive Robinson's nails, they would drive them crooked; the operation of this is, that Mr. Robinson's machine is standing idle; and the people in Ireland are importing the very same nails from Birmingham, whereas we could make them at home.

The police never attempt any thing till the violence is actually committed; and after a man is murdered, or beat severely, then they interfere; but it strikes me, what they should do, is to look out for those places where their clubs meet, and put down the whole system. In my opinion, the police have not displayed sufficient activity, in endeavouring to obtain obedience to the laws, in regard to those associations; I think, generally speaking, the magistrates lean against machinery in Ireland; being afraid it will reduce the price of labour. In the case of Robinson's, he told me, that he was

afraid his manufactory of nails would injure the nailers: but if the same system was pursued in England, they would be in as bad a situation as we are in Ireland.

But I do not see how, as the law at present stands, that they can attack the parties till the assault is committed; whereas the only good that can be done, is to put the whole system down; the whole trades of Ireland are in one state of combination; and they have delegates in different towns; *travelling delegates* have been taken up in Cork, in Kilkenny, and in Dublin.

In point of fact, in the last three years in Dublin, there have been ten lives lost, and not one man convicted for those offences. And I attribute that to the difficulty of identifying the persons which I before described: and think that a sort of popular prejudice prevails, that those people are right in resisting the introduction of English manufactures or machinery for the purpose of diminishing the use of manual labour. I think, generally speaking, the gentry of Ireland lean that way; and I must think the police officers and magistrates of Dublin lean that way, when I see the effect that they do not interfere.

In my own trade as a ship-owner.—If the committee call for a return, they will probably find 1,500 vessels at this moment in Ireland, and not 50 of them built in Ireland. For instance, latterly the ship-owners of Liverpool and Whitehaven have taken our oak from Dublin and carried it over and built at Whitehaven, and we have been buying them back again; and that is because they will not let us build them; they would not let us keep apprentices, and it is impossible to go into competition with the English ship-builders unless we keep apprentices. It is not the difference between shipwright's wages in Dublin and in Whitehaven, but in Whitehaven they can keep any number of apprentices, where the wages are only half; and in Liverpool and London the whole of the building is done by apprentices. The wages are lower in England than in Dublin. In Waterford where the combination is not so strong, the wages are only 3s. 6d. a day; in Dublin they are 4s. 10*½*d. but they were strong enough in Dublin to prevent our taking apprentices.

With respect to English capital going over to Ireland, I think that one great cause of its not coming over is this state of union of trades; for instance, there is Mr. Wright, the hatter, was obliged to remove one part of his manufactory out of Ireland, in consequence of the combination; but there have been certainly *more English capitalists* come latterly than there have been formerly; there have been considerable investments made in the north, in the cotton factories; and there is certainly a greater disposition at present to send English capital to Ireland than heretofore. The introduction of

steam boats has given to the public a wonderful facility to the visits of both manufacturers and gentlemen. Till now, the general state of disorder through the country, has had great influence in checking the introduction of English capital. Therefore, any measures, the effect of which would be to tranquillize Ireland, would also have the effect of inducing English capitalists to fix there; and I think that any measure that would put down all societies, whether political or trading, would be a very material benefit in Ireland.

A speedy alteration in the law, with regard to emigration, will not affect the emigrants of this year, because most of them are on the point of emigration.

Under the present state of things in Ireland, an immense quantity of manufactured goods are brought from England, which might be manufactured in Ireland, and which would be if it was not for the high price of labour; though nominally agricultural labour is very low, it is the dearest place in the world for other labour; if carpenters, and shipwrights, and other trades, took apprentices, it would very much reduce the expense, and we might export things to England, whereas now we are the importers; there is not a ship-yard in England that has not orders for one year's employment, that will not take effect; but there are not five ships building in Ireland. For, generally speaking, there is quite a sufficient supply of timber for ship-building in Ireland; we have exported a great deal latterly. There is a good deal in the county of Waterford, in the county of Dublin, in the county of Wicklow; I believe there are several cargoes that have been taken to Whitehaven and Liverpool; there is not so extensive a supply as there is in England, but we could just as well afford to bring oak from Surrey and Sussex, as they do in Scotland. The timber I allude to is oak and elm both.

Hugh O'Connor, Esquire, Examined.

I reside in Mountjoy-square, Dublin; I was at the head of a house in the West Indian Trade of considerable extent, but I have now retired.

In the city of Dublin a considerable portion of the Trade of Dublin is carried on by Roman Catholics. I am myself of that persuasion, and I am able to state that no Roman Catholics are members of the Bank direction in the city of Dublin; none ever have been, and I may also say a great many inconveniences have resulted to Roman Catholic merchants in Dublin, in consequence of the exclusion of Roman Catholics from the direction of the Bank; and I will explain to the Committee how those inconveniences and injury, have resulted to Roman Catholic merchants in consequence of that exclusion.—I am a Bank proprietor myself, and when I was in trade, it would have been a great advantage to me to have been in the Bank direction; not that the £300 a year salary

was any object to me, but it would have given me an insight to the state of credit of commercial persons, which would have been a great advantage to me as a merchant, and which insight I could not so well get otherwise; besides, I considered the exclusion of Catholics not only degrading to me individually, but to the Catholic trading body generally; and, as rather a large Bank proprietor, I wished also to have some insight into the management of the concern; at the same time there are persons appointed to the direction, who carry on trade on a smaller scale than the Catholics, who, by the practice at the Bank, have been excluded.

Frequent efforts have been made by the proprietors of the Bank, to obtain the nomination of Roman Catholics to the Bank direction. I have complained myself very much about the exclusion of Catholic proprietors from the Bank direction; the Bank directors have made it a pretence, (for I considered it nothing but a pretence) that the law interposed the disqualification, which I know is not the fact. They are nearly all merchants in the Bank direction, or persons that have been connected with trade; it does not occur to me that there is, perhaps, more than one, that either has not been in trade, or has not been connected with it, and has had commercial experience and knowledge. The qualification in point of stock, is 2,000*l.* stock for a director; 3,000*l.* to be a deputy governor; and 4,000*l.* to be a governor. The choice of directors lies with the proprietors; but the Bank directors make a house list, and there is a combining and confederating amongst them, to keep up constantly amongst themselves, when once named, monopoly of direction, with party feeling, and to exclude Catholics from the direction. There are many other Catholics in the city of Dublin, with whom I am acquainted, who are considerable proprietors of Bank stock. I know some that are considerable proprietors.

There are other public bodies in the city of Dublin, connected with the commerce of Dublin, from which Roman Catholics are excluded. There is the Ballast board: the expenditure of that board, last or the preceding year, was fifty or sixty thousand pounds, and I never heard of a Catholic being in the direction. I know a gentleman, some years ago was mentioning to me, that he wished I was in the direction, but says he, no Catholic is in the direction, or has been in the direction; I said I was quite indifferent about it.

With regard to the Chamber of Commerce, which is a voluntary association of the merchants of Dublin, it was established last year, and I was repeatedly solicited to be a member of it, but as I had given up trade, I declined being a member; I do not believe any religious distinctions prevail there; I think they are admitted there by ballot; but when it was established last year, it was associated voluntarily.

wealth of the Catholic body has increased considerably, and a portion of that personal property which has been accumulated by them, is invested in the purchase of real estate.

As to how far the political state of Ireland has any tendency to retard investment of English capital in that part of the United Kingdom, a very material instance of that nature, came within my knowledge, the day before yesterday; a gentleman, a landed proprietor, a Member of Parliament, had nearly completed a treaty, to borrow 50,000*l.* in London; I do not know exactly upon what terms, but however the treaty was nearly completed, and in consequence of the bill suppressing the Catholic Association, and the impression in the lender's mind, that the security for his money in Ireland, under the aspect of affairs, was not such as he would wish, he declined lending the money; this came to my knowledge the day before yesterday. The way the bill to which I allude, increased the unwillingness of the lender to advance his money was, he thought the security for property for an English capitalist, would be likely to become more endangered in consequence, as he conceived, of the discontent being increased, through the means of that bill. The situation of the security was south-west I think. I did not hear him so express himself, it only came to my knowledge the day before yesterday accidentally; a professional gentleman who was concerned in the matter, happened to mention it accidentally; I have heard of it since, and I am quite sure that the objection of the lender was not founded upon the proceedings of the Association, rather than upon the bill which put down that Association; inasmuch as the treaty was in progress when the proceedings of the Association were in activity; therefore I may consider the treaty to have broken off in consequence of the apprehension of discontent that might be produced in Ireland, and that every cause which has a tendency to augment and aggravate that discontent in Ireland, tends to check the influx of English capital into that country, and I think I might attribute that consequence to the existing disqualifying laws on the subject of religion in Ireland.

I know that discontent very generally prevails throughout the Catholic body, on account of the disqualifying laws; from the highest Catholic peer to the humblest Catholic peasant.

Upon the subject of elections,—I once attended one in the county of Dublin, and with regard to the forty-shilling freeholders whom I then saw vote, I took myself some feeling of objection to the forty-shilling freeholders; I rather lamented that there were that description of freeholders; and I am sure generally speaking they are not in a station of life which gives any security to the public, of a fair and independent exercise of their franchise. And, in the event of a bill being carried for the emancipation of the Catholics, as it is termed,

I conceive that it would be desirable to make an alteration in the present qualification of the freeholders; and that such alteration would be acceptable to the Catholics, if it formed part of a general measure of emancipation; but, that a proposition for altering the franchise, without at the same time accompanying that measure with Catholic emancipation, would be attended with both risk and danger; and, although of own knowledge, I know very little of the nature of election, I am inclined to think it would not diminish the fair influence of Catholics. I have heard that it was proposed to raise it to ten pounds; I should think myself, that the lower classes of electors would think their rights too much abridged by its being raised to ten pounds; I should think, that five pounds would be a better standard; they would consider ten pounds qualification a hardship, I should think; but I know very little of the nature of elections. In the observations I have made in regard to forty-shilling freeholders, I mean counties at large. In point of fact, in cities and towns corporate, there are not persons of independent personal property, who only exercise their franchise by reason of a forty-shilling freehold. I can only speak of Dublin; I know nothing scarcely beyond Dublin; and I thought the qualification for a freeholder, to exercise his franchise in Dublin, must be twenty pounds; I have myself no freehold in Dublin. If any measure were adopted in places like Dublin, which limited the freehold right, the effect of that would be, to give an undue and unfair preponderance to the corporate franchise of freemen; and any measure that increased the corporate power of the freemen, would be a measure that would excite great discontent.

I consider that it would be desirable that a provision were made by the state, for the Roman Catholic clergy in Ireland; and I think that such an arrangement would be acceptable to the Roman Catholic clergy or laity, if it were accompanied by the general measure of emancipation, but not otherwise. They have entered into resolutions to that effect, that is, to accept no payment but from their flocks; they thought it might impair, if not destroy, the Catholic religion among their flocks, if they did accept it. I mean under existing circumstances. The ground of their objection was stated to be, that they might be considered as purchasing an advantage for themselves, whilst the laity were left in a state of exclusion. Upon the subject as to whether it is likely that any Catholic property will be transferred out of Ireland, in case the civil disabilities are longer continued,—I can answer that question with regard to myself, for I mean to leave Ireland in consequence of the civil disabilities existing; I find it not a pleasant residence, from the party feeling to which religious differences have given rise—from social intercourse being poi-

sioned ; and I think that there are other Catholics disposed to take the same step. I have heard many say, they would leave Ireland if they could with convenience; and I think that a proportion of Irish capital will be transferred to other countries, in case the disabilities under which the Catholics labour now are continued. I have myself some capital in France. On the contrary, I should think it is probable that many Catholics who now reside abroad, would reside in Ireland if Catholic emancipation were granted.

Richard Shiell, Esquire, being called in, stated in substance as follows :

With respect to the administration of justice on the circuits, if I am asked with respect to what I have observed on my own circuit, independently of what I know has taken place in other parts of Ireland, especially in Dublin, I answer, that I have observed upon my own circuit what I conceive to be at least imperfections in the administration of justice, arising from two sources ; the first I conceive to be religious, and the second aristocratic. I have observed that there is not that just regard for the rights and interests of the lower orders, which I believe is entertained in this country. In the county of Wexford, for instance, it is an habitual observation among the Bar, that in cases between landlord and tenant, there is, I will not say an undue partiality, but there is a strong partiality existing in the minds of juries in favour of the landlord. I know it is commonly said among the Bar on my circuit, that in cases between landlord and tenant, the tenant has but a slender chance, unless his case be almost irresistible. I consider that the feeling by which juries are influenced, is in a great measure aristocratic, but I think the aristocratic feeling is not unconnected with a religious one : the Aristocracy of Ireland are chiefly Protestants : I may say almost entirely so, because they are to a great extent, masters of its fee simple. I think that what is called an *esprit de corps* connected with religion, is thereby produced ; Protestants are thus allied together, and where the rights of a person of an inferior class come into collision with those of a person belonging to the higher order, the religious feeling mixes itself with the aristocratic sentiment. The observations which I have just made, are applicable to the county of Wexford ; I cannot say that I can illustrate the justice of those observations by any cases which have fallen within my own knowledge, but I know that the partiality for the landlord among the jury, is matter of familiar observation at the Bar.

In speaking of juries, I refer to the record juries ; and I will now state the description of the community of which juries are generally composed. In the county of Wexford, there are very few Roman Catholics who are possessed of considerable property ; and I believe that the majority of the jurors who try

civil cases in the county of Wexford, are Protestants. The class of the community, as to property, from which they are generally selected, is from a class of very highly respectable yeomanry, persons possessing four, five, or six hundred a year, and I believe they are generally what are called middle men.

I shall mention the instances which have occurred on my circuit, that appear to me to shew that there is something vicious in the administration of justice, arising in a great degree from the nature of the law itself; I begin with the case of Lawrence against Dempster, in which I happened to be counsel. The Insurrection Act was proclaimed in the town of Nenagh, in the county of Tipperary; Mr. Dempster is a magistrate for that county; he had a quarrel about an hour after sun-set, (and it was a question whether the hour had elapsed, and that was left to the jury,) with a Mr. Lawrence, respecting a subject wholly unconnected with politics; very unwarrantable language was used by Mr. Lawrence towards Mr. Dempster. Mr. Dempster ordered Mr. Lawrence to be arrested under the Insurrection Act, inasmuch as he was out of his abode an hour after sun-set; the latter was, under this order, committed and detained in custody for, I believe, three days; a verdict for 75*l.* only was recovered, in an action brought by Mr. Lawrence against Mr. Dempster. I conceive that unless there had been persons upon the jury, and I was assured of the fact, who were resolved to support the magistrates at all events, and who acted upon the principle that magistrates, even when grossly in error, or when acting corruptly, ought to be sustained, the verdict would have been much more considerable. A point was saved at the trial; the question was, whether the action ought to have been trespass, or case? It was brought before the Court of Common Pleas; three of the Judges, Mr. Justice Moore, Mr. Justice Torrens, and Mr. Justice Johnson, all concurred in saying that the conduct of Mr. Dempster deserved the strongest reprobation; Lord Norbury was the only Judge who stated, that in his opinion, his conduct did not deserve much censure, and that at all events magistrates ought to be supported. What I am now stating, is within my own personal knowledge. He remained, after the facts I have detailed, still entrusted with this important power; and further, the magistrates of the county of Tipperary came to a resolution, that he was an active and useful magistrate, to prevent his being deprived of the commission of the peace; and I think that to permit a man, who had abused the Insurrection Act in such a way, was highly censurable, and affords evidence that due means are not adopted to improve the administration of law.

I admit at the same time that it was impossible that grosser language could be employed, and that Mr. Dempster's family

were in the street at the time, but not within hearing. At all events it was not proved that his wife was within hearing. I do not know the names of the persons that were on the jury, but I was told by the attorney who employed me in the action, that some of the jurors acted upon the principle of giving as little damages as possible against any magistrate. Mr. Dempster is a Scotch Presbyterian ; he was the surgeon of a regiment quartered in that part of the country, and settled there ; I believe him, independent of that fact, to be a respectable man, though I think he displayed too much alacrity in what he considered the discharge of his official duties. I think it my duty to mention, that complaints against Mr. Dempster came from persons very much disposed to find fault with magistrates ; the persons composing the jury, were both Protestants and Catholics.

I believe in civil cases it is the practice to put Protestants and Catholics indiscriminately on juries ; but I am sure that in cases which are either political or conceived to be so, or which have any connexion with the disturbances of the county, Roman Catholics are studiously excluded ; I should violate confidence if I stated my authority, for the fact was communicated to me in confidence.

In this particular case the jury were chosen by ballot.

In this case there was no special exclusion of Roman Catholics from the jury ; but I beg to add there appeared to be individuals of strong opinions, respecting the necessity of supporting the magistracy upon the jury motives ; the vice is in the law itself. I do not mean to say, that the influence only operates on one side, but a single juror, it is quite obvious, exercises an absolute dominion over a jury, in the reduction of damages. In this case the jury were out for about four hours ; the Judge did not remain to receive the verdict, by the consent of the parties, in consequence of the lateness of the hour, and it being understood that they would not be very likely to agree, it was consented that the registrar should receive the verdict.

I argued the case in the court of Common Pleas.

I do not think the verdict of 75*l.* damages, was proportioned to his circumstances, because he married a lady who has seven hundred a year.

I did not advise moving for a new trial, on account of the inadequacy of the damages ; because there is no instance in which a plaintiff can set aside a verdict in his favour, no matter how small the damages may be.

Mr. Lawrence had been in the army, and is a Protestant. I am quite satisfied that Mr. Dempster was actuated by no religious feeling towards him, nor would he have been actuated by any such feeling towards him, if he had been a Roman Catholic. Mr. Dempster is not affected by the passions which

prevail throughout Ireland; he is a Scotch gentleman, Mr. Lawrence is Irish; and I recollect this circumstance, that a friend of Lawrence's said, and this is, I think, remarkable. "Upon what principle could you possibly arrest Mr. Lawrence? for Mr. Lawrence is notoriously a loyal man." The person I allude to was a Mr. Rowan Cashell, a relation of Mr. Lawrence; he proved that he said to Mr. Dempster, why should you arrest Lawrence, when he and all his family are loyal men? and he added, that he meant by that, that they were strong Protestants.

When this committal took place, the county was only partially under the Insurrection Act; and I should say, that a disposition to support the magistrates might arise in any disturbed county, without the influence of any religious feeling whatever.

And that that disposition to support the magistrates might fairly be attributed to an apprehension, that the disturbances which prevailed might arise under the circumstances of any country whatever, but I think it right to add, that I conceive that disposition is not at all unconnected with the spirit of domination produced by the sense of superiority arising from religion.

I think it possible that Mr. Dempster, under the influence of irritated feelings, if he had been a magistrate acting in Scotland, might have committed this abuse of magisterial authority; but I think it not likely, that in a well ordered community he would have been guilty of a violation of the law, which would have excited the reprobation of every person in his own class of society. The ground on which I rest my opinion that this case illustrates the imperfect administration of justice, is the simple fact, that Mr. Dempster was allowed to continue in the exercise of magisterial functions.

In this case, there was no opportunity of challenging the jury, it being a civil case; there would have been grounds of challenge if the parties had been related, and other grounds unnecessary to be mentioned.

There was no ground of peremptory challenge, without cause assigned. This case was tried by the Chief Justice.

And I did hear that there was a communication between the government of Ireland and the Chief Justice, as to the propriety of removing Mr. Dempster from the commission of the peace. I read in one of the papers, that Mr. Peel, made that observation in the House of Commons, but I had never heard it before; I conceived that Mr. Peel might have referred to Lord Norbury, the Chief Justice of the Common Pleas, who expressed an opinion favourable to Mr. Dempster.

Supposing a communication was actually made by the Irish government to Lord Chief Justice Bushe, of the court of

King's Bench, with respect to the propriety of removing Mr. Dempster from the commission of the peace, and that the Chief Justice having tried the case, gave it as his opinion that there was not sufficient ground for the Lord Chancellor of Ireland to exercise his authority, and to remove Mr. Dempster,—in that case, I must, in candour, say, notwithstanding the high respect I entertain, and something stronger than respect, towards the Chief Justice of the King's Bench, who is a very distinguished person, that I should not conceive that even his authority ought to supersede the effect which the powerful facts ought to have produced upon the mind of the Lord Chancellor.

Even as a general principle, I do not think that it would be safe in the Lord Chancellor to exercise his authority in contradiction to the opinion of the judge who had had the whole merits of the case disclosed to him in evidence, where the facts are clearly established, independently of the authority of the judges. The Judge takes notes of the case; he states the facts in those notes; if he submits his notes, and thereby submits the facts to the consideration of the Chancellor, I think the Lord Chancellor is just as competent to judge as he is; and I do not think that any Judge who superintends the trial of a case, is at all more competent to form a decision respecting the propriety of removing a magistrate, than any other person.

And I think it very possible also, that a Judge even of the very highest faculties and the purest judicial integrity, may have particular views respecting the propriety of sustaining magistrates, in entertaining which, he may labour under a very great and pernicious mistake.

The only other instance in which I recollect, that a person belonging to the class of gentlemen was arrested under the Insurrection Act, was in which that very Mr. Dempster was the committing magistrate; it was the case of Mr. Gleeson, a respectable professional man, an attorney, who was committed by the orders of Mr. Dempster, for being out of his house at night, in the town of Nenagh.

In point of fact, the same communication and intercourse subsists between persons of a better class not suspected of violating the law in a district proclaimed under the Insurrection Act, as before.

I do not impute to the jury that they were influenced by religious feelings: they were influenced by what I conceive to be an undue anxiety to support magistrates through (to use a vulgar phrase) thick and thin.

By what I call an aristocratic sentiment—by that which, when it comes into its operation, with reference to the lower orders, is tainted with religious feeling: perhaps without the persons swayed by it being perfectly conscious of the origin of the motive by which they are governed.

I do not think I have expressed an opinion, that public men in Ireland are influenced by undue partialities in administering justice and favour towards Roman Catholics : but I will say this, that although I believe the Judges of the land are free from any impure motives connected with religion, I am convinced that sheriffs, who must be Protestants ; that magistrates, a majority of whom are Protestants, and who are strongly swayed by political feelings ; that jurors, who are selected by Protestant sheriffs, and especially the jurors of the city of Dublin, are governed by impure motives ; and if it be not out of order to mention it, I have the authority of Mr. Edmund Burke for saying, that it is impossible that the law should be administered purely, while the law remains what it is, and continues to be administered by Protestant sheriffs, magistrates, and jurors. He says so in his letter, written in the year 1782, to an Irish peer ; his words are, "The Catholics are excluded from all that is beneficial, and exposed to all that is mischievous, in a trial by jury. This was manifestly within my own observation."

But if the question refers to the duties of chief secretary of Ireland, for instance, I am sure that no person, who would hold so high an office, could be swayed in a case of personal wrong, and where merely the rights of two individuals are concerned, unconnected with religion ; but I certainly do think that public men in Ireland, and I think it is but human nature, are swayed by an anxiety to support the members of that party, by whom they are themselves supported.

Conceiving that the question alludes to a statement which I have made respecting the fisherman, with the leave of the Committee I will state what I have said. Mr. M'Dougal mentioned to me, that the person of the name of Kirwin or Kirewan, had saved the lives of eleven persons in the army, three of whom were officers, and that he, from motives of pure humanity, and having no acquaintance with any person in authority, went to the Castle and applied for a remuneration for this individual ; and that he was asked at the Castle, (I am now stating what Mr. M'Dougal mentioned to me; I will afterwards state, how far I may have perhaps modified or coloured those facts;) he was asked, I say, at the Castle, and with emphasis; (but he did not state that it was by Mr. Peel, I believe he stated that it was by Sir Edward Littlehales,) whether the individual in question was a Protestant. Mr. M'Dougal not only mentioned these circumstances to me, but he also mentioned them to a very respectable merchant of the city of Dublin, Mr. Nicholas Mahon ; who, when some controversy arose as to the truth, or the full extent of the truth of my statement, corroborated the body of the facts which I had publicly mentioned. I think it right to add, that Mr. M'Dougal requested me not to mention these

circumstances; from which obligation, I conceive, that his death has completely released me; as I supposed he was apprehensive, that a disclosure of this conversation might prejudice him in his advancement in his profession; whether he was right or not I do not know. I did not state in public that Kirwin received no reward; but perhaps I was guilty of some rhetorical artifice in not adding, that he received the reward of £30. which was the only reward that he did receive for saving the lives of eleven persons. I certainly did insinuate, that the question, whether Kirwin was a Protestant, had been put by the authority of Mr. Peel; and I did conceive, that the person who had this conversation with Mr. M'Dougal, had been instructed to ask that question; perhaps I was not warranted in drawing the inference, but I certainly did not state, that Mr. Peel gave no remuneration to the individual in question; on the contrary, I know that the individual in question received the small sum of £30. and received nothing more.

Allow me to add, that a few days before I left Dublin, the individual concerned in this act of very signal humanity came to Dublin, in consequence of his having seen that I had made mention of his name, and he asked me to draw a memorial for him to the Lord Lieutenant, setting forth the extent of his services; which memorial I was prevented from drawing by the necessity of coming over to this country. Kirwin stated to me, that he himself and Mr. M'Dougal had an interview with Mr. Peel; how far he was right I cannot state. I know the propensity among the lower classes to put forth every thing in a light the most favourable to themselves; I am inclined to think he must have been under some mistake, and that he saw some other person whom he mistook for Mr. Peel; Kirwin is thirty-six years of age, and when he asked for some small place in the Revenue, he stated that Mr. Peel observed, that he was too old; which I apprehend Mr. Peel would not have stated, for he is a very strong and healthy man; I conceive therefore it is unlikely that he could have had such an interview, for the person who told him his age was an obstacle to his appointment, must have been mocking him.

Mr. M'Dougal stated to me he had written a letter to Mr. Peel; but he did not tell me what the answer to that letter was; but Kirwin subsequently told me that he had a conversation with General Doyle, and that General Doyle put it to his election, whether he would take £30. or wait until he should get some small place; and he preferred taking the £30. and Kirwin said also, that it was mentioned to him, that his name was taken down at the Castle in the list of promotion for some petty office; but that he had not been appointed, although some years had elapsed, and he requested me to draw a memorial for him, calling the attention of government to that fact.

Mr. M'Dougal was a gentleman of what I call liberal opinions ; he was favourable to Roman Catholic emancipation ; we were observing in conversation, that the most profitable course a Protestant could pursue in Ireland was to support the doctrines of Ascendancy : he did not mention the facts for the purpose of public statement, but, on the contrary, laid me under an injunction of secrecy, which I obeyed while he lived. Mr. M'Dougal laid no stress upon any circumstance except upon the question having been asked, whether Kirwin was a Protestant, and that it should have been made an ingredient by men in power, in the consideration of the extent of his remuneration.

Kirwin I heard was a fisherman, but he himself told me, since my statement, that he was a farmer, and he certainly appears to be a very decent man, he reads and writes ; I should call him a very intelligent man ; and I think that a salary of £ 60. a year given to this humble man, if employed in some small office, would have been a matter of great importance to him ; and I think that the question whether he was a Protestant, if at all put, (which I believe, although I do not positively state it, I had it merely on the authority of Mr. M'Dougal,) was put with a view to determine whether he should be employed, and in what way. I think the nature and importance of the place was to be determined by the religion ; if he had been a Protestant he would probably have been employed in a situation of that class to which Protestants are usually promoted. There are many situations in the police, many situations in the revenue ; for instance, the place of water guard ; and other places which he might have held. I mention the place of water guard merely as illustrative of the sort of place he might have held ; of course analogous places must have existed before that of water guard was established. I am aware, that in many instances places in the revenue are places of promotion, and that it is absolutely necessary to belong to a subordinate class before a man can be promoted to a higher ; but I think the most inferior situation in the revenue would have been an object to this poor man. I think that the secretary to the Lord Lieutenant, having learned that the lives of eleven persons in his Majesty's service had been saved by the exertions of an humble man, ought to have been greatly struck by an action so heroic and so useful, and should not have made the report of a general officer the medium by which his own estimate of the moral merit of such an action ought to have been determined : this service was performed by this individual, and at a moment, when, I am sorry to say, others were committing acts of the greatest barbarity.

In the statement you have made, you stated, that the person at the Castle with whom M'Dougal communicated, retired to another room, and upon his returning, asked whether Kirwin

was a Protestant or Catholic. I did ; and I think it now right to mention, that in that particular, there was perhaps a rhetorical colouring in the specification of so minute a circumstance, which was not perhaps perfectly warranted : I cannot now positively say that Mr. M'Dougal did not state to me, that it was upon the return of the inferior officer at the Castle that the question was put; but speaking as a conscientious man ought to do upon so important an occasion as the present, I think it right to maintain, that I do not distinctly recollect that he did state it: upon the other hand, I will not negative that statement. The inference which was natural to be drawn from that statement to you was, that the person so retiring had, in the interval, a communication from Mr. Peel. Speaking of the statement which I made in public upon this subject, unquestionably it was my object to convey by insinuation, what I did not think judicious directly to affirm ; but I think it right to add, that my own firm conviction is, that religion is, more or less, made the test in the allocation of even the most minor office in Ireland. My object at that time was to intimate to the public, that the suggestion had been made by Mr. Peel; my impression then was, that the question was put by his direction; I now think from the manner of Mr. Peel's examination, that Mr. Peel did not in that specific instance direct the question to be put, but that it was asked by an inferior officer, from his knowledge of the habits and the mind of the then Secretary to the Lord Lieutenant, under whom he acted, and from the principles on which promotion is carried on. I did not state that that question had originated with Mr. Peel; I merely left it to be inferred; and at the time I left it to be inferred, I had this fact; that a person in the employment of Mr. Peel, who must have been acquainted with his habits of thinking and his feelings, had asked the question, and I think I was not unfair in attributing that question to a higher source. I have before said, the conversation between Mr. M'Dougal and me did not at that time produce any deep impression upon ; it was casual ; it was stated merely in common convivial intercourse, without any object whatever upon the part of Mr. M'Dougal. I afterwards happened to recollect it, and I found that it illustrated the general principle upon which the government had acted; when I find all the inferior offices almost universally filled with Protestants ; when I find the police filled by Protestants, I cannot help thinking that it is the principle by which government are swayed ; and I now state that, in my opinion, a general system exists in Ireland, which would have prompted the question ; and that I should conceive that Mr. Peel, acting only in consistency with the principles which he had ever avowed, would not only naturally, but perhaps justifiably, have asked the question. And I infer, from the question which was put by

an inferior officer about the Castle, that the answer to that question would be considered as a matter of some importance by the superior officers of government. I think that the persons at the head of the government would not have been swayed by any religious consideration, in determining what sum of money ought to be given to Kirwin. I think religion would have been entirely left out of the mere pecuniary question ; but I think the government would have been swayed by the consideration of religion in determining to what place he should be advanced ; and that is the reason why I think the question was put. I am not aware any persons were engaged in saving the lives of the soldiers except this individual ; I believe the crowd on the sea-coast assembled together for the purpose of plundering the wrecks, a practice not confined to Ireland, but which prevails as extensively on the coast of Cornwall ; so far was their barbarity carried, that they actually cut off the fingers of the dead bodies of some women for the purpose of obtaining rings. My object in mentioning that circumstance, was to put in a more conspicuous and striking point of view, the principle upon which, I was convinced, that government acted.

A great majority of the people of Ireland are Roman Catholics ; the police which is selected from the lower orders, are almost entirely Protestants. This remark is equally applicable to other pursuits and professions. I shall take my own profession as a strong example. Since the year 1793, there have been about 120 Roman Catholics admitted to the bar ; some time ago I went to the hanaper office, to ascertain for the present Attorney General for Ireland, the number of Roman Catholics admitted to the bar since 1793 ; I found there had been 105 Roman Catholics and about 800 Protestants admitted up to the same period ; not a single Roman Catholic barrister had been promoted, with the exception of Mr. Farrell, (who has been recently appointed, I believe through the personal regard of Lord Wellesley) to any place to which Roman Catholics are admissible by law. The exclusion of so large a body from all employment, led me to the conclusion, that the profession of the Roman Catholic religion, was an obstacle to professional promotion. It is right that I should here observe that Mr. Blake, a Roman Catholic, has been appointed Remembrancer of the court of Exchequer. For that gentleman, Lord Wellesley is known to entertain a strong friendship, which may account for his selection in despite of his religion. He was not a member of the Irish bar, nor is his office, I believe, necessarily connected with the bar. Its duties were formerly filled by Mr. Thompson, an attorney. It is right that I should observe, that my remarks, as to the exclusion of Roman Catholics, were not intended to apply to Lord Wellesley's administration. Let me be permitted to mention,

as an exemplification of this sectarian principle of selection, a fact in an individual case. Mr. Bellew, who is connected with Lord Fingal, and who is a gentleman of a most respectable Catholic family, told me that Lord Castlereagh had, about the time of the Union, promised him the situation of assistant barrister, and when a vacancy occurred, he applied to the government to fulfil the promise: he was then informed, that there were reasons which precluded the possibility of appointing him; but that to reward him for the disappointment, he should receive a pension of £ 400. a year, being the salary of assistant barrister; he added, that he had no doubt upon his mind, that government declined to appoint him on account of his religion. He is alive now. I believe it was Lord Redesdale who prevented his appointment, in as much as Lord Redesdale was of opinion that no Roman Catholic should have a situation in the administration of justice, at all connected with judicial power.

He got the pension; and it was afterwards increased; thus the individual was rewarded, but the class to which he belonged was stigmatized. The government have a great patronage connected with the Irish bar; there are nearly as many places as there are barristers; and I think when I find that no Roman Catholic has been appointed since the year 1793, with the exception of Mr. Farrell, and when I consider that there are many individuals of the Catholic bar, of talent, knowledge, and assiduity, of whom none are promoted, I must conclude that it is their religion which stands in the way of their promotion; it is the opinion of the whole bar that if Mr. Bellew had been a Protestant, he would have reached the height of his profession. In consequence of his not having been appointed King's counsel, he has much less business in chancery, for which he is admirably qualified. None but King's counsel can be much employed in the Irish Court of Chancery. The individual who follows seven or eight King's counsel, cannot expect a very favourable audience. I mention Mr. Bellew's case as one of severe hardship.

I am free to admit, that sometimes individuals use language which may provoke the resentment, and perhaps in some cases incur even the just censure of government; but allowance ought to be made for the use of expressions which are prompted by what those individuals regard as monstrous wrong. In the midst of large assemblies, the passions of men become heated, and if vehemence of expression is employed, it is provoked by injury, and by that state of feeling which is produced by the law. But the individuals alluded to are few in number. There are not above two or three Catholic barristers who take such an active share in political proceedings, as can be offensive to government. The rest of the bar, although greatly irritated by the injustice of their exclusion from place

and honour, from motives of personal prudence abstain from all interference; yet the silent and more accommodating persons are at much overlooked as the bolder and more angry few who complain of political injustice. I may be permitted to add, with respect to the individuals who take a part in public proceedings, that I am persuaded they not only would not employ vehement language in public assemblies, but that if the Catholic question was settled, they would scarcely enter into any public assembly whatever; at least I can answer for myself, if I had a fair chance of reaching that station in my profession for which my faculties may perhaps disqualify me; but in the way to which, in addition to the disqualification which may be produced by my incapacity, the law has created exasperating impediments; I say, if those obstructions were removed, I should take no further part in political concerns, for I am satisfied, that so far from assisting the advancement of an advocate in his profession, an interference in politics arrests his progress; and if I interfere at present, it is because I consider it a duty to use every effort to procure a removal of the disqualifications under which I labour.

And moreover, in case the general question of Catholic emancipation were settled by Parliament, I am convinced that it would not be in the power of any man, no matter how ever great his influence might be, nor no matter how perverse his ambition might be, to draw large convocations of men together in Ireland: nothing but the sense of individual injury produces these great and systematic gatherings, through the medium of which so much passion and so much inflammatory matter is conveyed through the country. Let me take the question of the Union as an example; there are many who suppose, that if the Catholic question were to be satisfactorily arranged, the merits of the Union would be discussed. But I am convinced, that if the Catholic question were settled, a great body of the population, so far from being dissatisfied, would be perfectly contented with the Union, or be indifferent to it. Whenever any mention is made in a Roman Catholic assembly of the evils of that measure, it is made for the purpose of rhetorical excitement, and not with any serious view, upon the part of the speaker, to disturb that which, in my humble judgment, is perfectly indissoluble. And further I beg to add, that I am perfectly convinced that neither upon tithes, nor the Union, nor any other political subject, could the people of Ireland be powerfully and permanently excited: at present individuals feel themselves aggrieved by the law, and it is not so much from public sentiment, as from a sense of individual injustice, that they are marshalled and combined together.

I cannot say I ever knew an instance in which the question of religion actually interfered with the appointment or non-

appointment of a police man, for my occupations are of such a nature as put me out of the way of obtaining knowledge of that kind ; but I can mention a fact which exhibits the feeling of the people upon the subject, and their suspicions generate as great an evil as if that principle operated. I recollect a police man was found guilty at the last assizes at Clonmel, of murder. I walked through the streets after the conviction, and attended particularly to the observations of the lower orders respecting this conviction. Many of the people said, " We are sure he will not be executed, because he is a Protestant;" that is a most fatal feeling, and means ought to be taken to remove it. And I think that individual ought not to have been executed, because, though it was murder in law, it was not in morals : he had drunk too much ; he was returning to the place where he was quartered from Clonmel, upon a car ; a peasant lad came out on a sudden, in the dusk of the evening, from a house on the road, and made some clamour or noise. The police man conceived that this boy was going to shoot him : he resolved to anticipate him, and shot him dead ; the boy had no arms in his hands. Under these circumstances it was thought by the judge that the police man ought to be spared ; but the lower orders, without knowing any thing of the facts, said, as a matter of course, " He is a Protestant, and of course will be pardoned."

If I am asked, if I think the proportion of the population is a consideration which ought to guide the government in their appointments, I should say, I think it ought to be taken into consideration ; government should endeavour to conciliate and tranquillize a great body of the community, who not only have the power of acquiring wealth and intelligence, but have actually acquired both ; they ought to take into consideration the feelings of that great body, who not only find themselves branded on account of their religion, but who sustain actual and positive deprivation. A wise government, in its appointments, ought to regard the feelings of the majority of the people. I do not know the proportion that Roman Catholics and Protestants bear to each other in the Excise department ; but I know the Custom-house of Dublin was filled not only with Protestants, but with Orangemen ; that evil, I believe, has been cured by the Commissioners appointed for that purpose, making a selection from a better and more fitting class ; the Custom-house was an object of patronage with the government ; Members of Parliament constantly exercised their influence for the purpose of obtaining small places connected with the Custom-house : in consequence, very unworthy persons were appointed ; those persons were generally Protestants ; being brought together into one office, their feelings were strengthened by cohesion ; they valued themselves on

their religion; men assumed the pretensions of high gentlemen, who had only one qualification of a gentleman in Ireland, namely, the Protestant religion.

If I were opposed to the Catholic claims, and anxious to support the system of Ascendancy, I should consider the most efficient mode of supporting that system would be, to exclude Catholics from even inferior situations, and thus deprive them of the influence which those situations would confer. By holding such employments, Roman Catholics would obtain another step on the ladder. The greater the influence of the Catholic body, the more difficult it must be to resist their claims to emancipation. It is with a view to ulterior objects, that they are excluded from minor offices. It is in order to diminish the weight and consequence of the whole body of Catholics, and sustain the general system of Ascendancy, that they are denied their due participation in the places of emolument, to which they are admissible by law. This is the result of the general spirit of the penal code, which, independently of its evils upon society, works much individual wrong.

The proportion of Protestants to Catholics, at the bar, is about five to one; but that proportion is becoming essentially different. The Roman Catholic bar are rapidly increasing, and they will, in my opinion, increase in a greater proportion than the comparative property of Protestants and Catholics would lead one to suppose. A Roman Catholic who acquires money in trade, makes his son a barrister. It is a feather in his cap to have a counsellor in the family. The bar in Ireland enjoys more station than in this country; and to enroll his son in this class, which, from the absence of persons of real rank, enjoy an artificial importance, has become an object of ambition. There are more Roman Catholics in trade than Protestants, and, in consequence, the number of Roman Catholics sent to the bar from this motive, must exceed the number of Protestants. Besides, the Protestant church enables its members to provide for their families, by making parsons of their sons. The Catholic is deprived of this source of provision, and sends his sons to the bar. I recollect, that about two years ago, eight gentlemen were called, in the same term to the bar: four of them were Protestants, and four were Catholics.

Previous to four years ago, the proportion of Protestants to Roman Catholics was considerably greater. The proportion of Roman Catholic barristers I think is augmenting rapidly; and in the course of a few years, the number of Catholics and Protestants, I think, will be nearly the same.

I shall mention a reason why the number of Protestant barristers should, as yet, so much exceed that of Catholics; Protestants come to the bar, not only with a view to rise in their

profession by the exercise of their talents, but because the expectation of patronage allures them to a profession to which so many places are annexed.

I admit that no previous government, finding the proportion of Protestant barristers to Roman Catholics, supposing their acquirements to be equal, could have gone upon the principle of appointing Catholic barristers in the proportion of the Roman Catholic population to the Protestant; but I think that Catholic barristers ought not to have been excluded, and regard ought to have been had to the feelings of the great body of the people, which would have been conciliated by their nomination of Roman Catholics.

Upon the question of the qualification at present required for a Roman Catholic freeholder, I have not given it a great deal of attention; but this I will say, that if it was put to the Roman Catholic body whether they would accept of Roman Catholic emancipation upon the indispensable terms of raising the qualification of the freeholders, Catholic emancipation is a matter of such paramount moment, that the people would be ready, and more than ready,—that they would be most anxious to accept of emancipation even upon such conditions; and I further think, that so far from its being an injury, it would be a benefit to the lower orders, that the qualification should be raised, and that the mass of the peasantry should not be invested every five or six years with a mere resemblance of political authority, which does not naturally belong to them, and which is quite unreal. But I do not think it would be in any respect practicable to effect an alteration in the qualification of the freeholder, unless accompanied with the measure to which I have already alluded; I am convinced that if such a measure was attempted without Catholic emancipation, it would only tend to produce deeper bitterness of feeling than now exists; and I am convinced that the Roman Catholic clergy would accept of a provision, if Roman Catholic emancipation were to precede it. But without emancipation, I am sure that they would not. At the same time, I think that if the provision to be granted by government were to be subject to the control of government, in individual cases there would be much jealousy, because the appointment would be referred to unworthy motives. I think that there must be an allocation made to the duties, and that the individuals who are to fulfil those duties, and to be paid for their performances, must be selected by the hierarchy and not by the government; I think it would be very injurious that a parish priest, receiving three or four or five hundred a year of the treasury, should be named by the government; but, in my opinion, if a provision were granted to them, provided always it was made independent of the government (that is indispensable) the result would be, that the lower orders would not be alienated from the priest-

hood, but that the influence of the latter would continue to be usefully and legitimately exercised ; that they would be perfectly reconciled with the government, and that the Roman Catholic gentry would be induced to send the younger members of their families into the Roman Catholic church, a better system of education would be established, and the intellectual habits of the priesthood would become more refined. I mean, that when a vacancy occurs by the death of a parish priest (I take the case of a parish priest as an example) the person who is to succeed is not to be selected by the government; if the appointment were to be made by the government two evils would result; in the first place, the lower orders would be quite alienated from their clergy (which would be a most serious evil); and in the second place, I conceive that unworthy persons would be appointed at present.

The Roman Catholic bishop of the diocese has the absolute appointment to all the parishes within his diocese; but the Roman Catholic hierarchy, though absolute in name, are greatly under the influence of public opinion; they generally select the individual whom the parishioners wish to nominate.

At one time I supported what is commonly called the veto. My opinion was, that Roman Catholic emancipation, or in other words, the liberty of my country, ought to be purchased, even at some hazard; but I think the measure of a veto would (I will not say whether on just or unjust grounds) be extremely unpopular. The public mind has been heated upon the subject; the passions have been highly raised, and will not subside with rapidity; and I think that if the government were to insist on a veto, it would impede, for some time at least, the beneficial results of Catholic emancipation.

I think any interference in the appointment of bishops objectionable; I am not sure, however, whether in the course of two or three years, when the people had become habituated to the exercise of this restrictive power, the public feeling would not become, if not reconciled to it, at least apathetic on the subject; but I certainly am apprehensive that if the government possessed, without ever directly exercising this power, some suspicions as to the rectitude of the motives of men in office in interfering in the appointment of bishops would exist, and that suspicion would in itself be an evil which ought to be avoided.

I do not think, after the measure of general emancipation has been carried, supposing it to be carried, and the administration of the government with respect to the highest offices remained in the hands of government, their motives with respect to the appointment to subordinate offices would be very narrowly inquired into by the Roman Catholic body; Roman Catholics would obtain, if not places of high authority, at least places proximate to authority. For instance, seats in Parlia-

ment, some would support and others oppose the government, all sectarian sentiment would be merged in political interest ; such Roman Catholics as displayed talents would, I presume, be advanced by government for their services, and if a few only of the Catholic body were promoted, all suspicion of partiality would be at an end.

That is on the assumption that the removal of disability by law is perfectly and fairly acted upon by the executive government, and that individuals, according to their merit, being Roman Catholics, are promoted to the higher offices of the state; but although the government should show some leaning in the distribution of its favours towards Protestants, and as they are seised of the greater part of the landed property of Ireland, for a considerable time the principal places would be given to the members of the established church, I still think the Roman Catholic body would not be sore upon the subject, if they saw Roman Catholics raising themselves to real distinction, and obtaining the power of protecting the community to which they belonged ; they would not murmur at some preference being still manifested towards Protestants ; a single individual of talent in the House of Commons, professing the Roman Catholic religion, and representing the feelings of the Roman Catholics, would to a great degree allay the spirit of hostility which prevails among the great body of the people of Ireland ; because they would then feel that their rights were asserted, and that they had a voice in the legislature.

In the profession of the law, where the possession of property cannot be expected to have great weight, some reference would be made to the respective numbers at the bar, of Roman Catholics and Protestants; but I think the Roman Catholics would not be so unreasonable as not to take into account, in the first place, that the Protestants at the bar are more numerous, and in the second, that they have more patronage and more influence ; but I think they would justly resent the omission to raise qualified persons to the rank of King's counsel. With regard to the judicial bench, there are but twelve judges, and no individual can complain that he is not appointed to the judgment seat, as matter of personal injustice ; it is, indeed, unjust that a whole class should be incapacitated by law. The exclusion from the bench is a political grievance which affects the whole body of Catholics, and carries a stigma with it ; the ineligibility of the body is quite distinct from the non-election of the man. The omission to raise a Roman Catholic of high merit to the rank of King's counsel is an individual wrong, it throws him back in his profession, touches his pecuniary interests, places his inferiors in acquirement above his head, and wounds his honourable pride. It is very true there is a power of granting a patent of precedence to a Roman Catholic, but it has never been exercised.

When I express that the Roman Catholics would consent to the freeholders qualification being considerably raised, I conceive it would be a general measure, extending to Protestants Presbyterians, Dissenters, Churchmen, and Roman Catholics; and I think, that when the election law is about to be modified, it would not be injudicious, if persons having beneficial chattels real, should be entitled to vote; a man, with a lease, for 999 years, which yields him forty or fifty pounds a year should have a vote. And I am sure that Mr. O'Connell's influence is so great, that if Catholic emancipation were passed, he would reconcile them to the surrender of that, which is to a great extent, but an imaginary right. With regard to the Presbyterian dissenters, there his influence would be without effect; I am not at all acquainted with the north of Ireland, and I cannot say how the Presbyterians would feel; but with respect to the south of Ireland, I believe the tenant, who has by virtue of forty shillings, a qualification to vote, would yield what is but a wretched appendage to his few acres of land, without much regret. There is no such connection between the elective franchise and religion, which would give any man the means of exciting the religious passions on that ground.

Cases have occurred no doubt in elections for counties, in which the influence of the priest has been very greatly exerted; but the influence of the priest in elections, arises from the question of Roman Catholic emancipation, and none other. It is in reference to that question, that it is exclusively exercised. If a priest came forward at an election, and directed the people not to vote for any man who would not support Parliamentary reform, the people would not listen to him; but when he tells them, not to vote for any man who will not support the Catholic claims, he makes an appeal, which in my opinion is justified by reason and sound sense; he could not, I think, produce any impression on the lower orders, except on some subject immediately involving a religious question, and not collaterally connected with it.

If he said, "do not vote for any man who will vote for the disqualifying of the freeholders," I am sure he would not; and I am sure the priests would feel no interest in the subject, and would not interfere. In the county of Dublin, the clergy exercised influence at the last election, but it was on a subject in which the clergy and people had a common concern; besides the passions of the people are at present extremely inflammable. It is only necessary to apply a spark to set them on fire; but even now it would be impossible to excite the people on a subject not involving their religion, and if emancipation were passed, a different feeling would speedily prevail, and the power of excitation would be diminished, because the popular passions would be allayed. It is the law which now creates the materials of public excitement.

Supposing the civil disabilities of the Roman Catholics were removed, and that in a county election there were two candidates, a Protestant and a Roman Catholic, the priest might make an appeal in favour of the Roman Catholic candidate, but I think it would be unavailing ; there would be an end to their political resentments. Even now, the Catholic priests are in the most cordial intimacy with Protestants; they perpetually dine with them; habits of close friendship exist between the Roman Catholick priesthood and the Protestants; there is no individual distaste towards the Protestant existing in the mind of the Catholic priest ; he feels an antipathy only to the system by which he and his countrymen are kept in what he considers a state of degradation. I think where the Protestant gentry do not oppose Catholick emancipation, the priests and they are upon a good footing; but where a Protestant gentleman opposes Catholic emancipation, he at once becomes an object of antipathy to the priesthood, in common with the rest of the Catholic community ; I confine my observation of course to what we call liberal Protestants, to whom the priests entertain a partiality; the others are classed under the comprehensive name of Orangemen ; some, of course, are more conspicuous for their hostility than others, and incur a corresponding aversion. There are some professed Orangemen, men who make Orangeism a matter of boast ; they are extremely obnoxious. Others, who merely oppose Catholic emancipation, are looked upon with feelings of more mitigated aversion.

At present the people conceive that they are degraded by the law, that Protestants are placed above their head, and that the Protestant in authority will have a leaning towards the members of his own class. This feeling produces deep concern. Let me add, that this feeling is justified and provoked by the perpetual occurrence of irritating circumstances. The lower order of Protestants assert their superiority to the poorer Catholics, in every incident where they are brought into comparison. Allow me to give an example: Sanders's newspaper in the city of Dublin contains most of the advertisements of servants; every servant who is a Protestant makes mention of his religion in his advertisement for a place ; he thereby intimates that he belongs to a better class in society ; that he is probably a more decent and respectable man ; assuredly, this superiority, assumed by the lower classes of Protestants in society, must be extremely galling to the Roman Catholics; it meets them at every step. To return to the question put to me, I conceive that the Roman Catholic freeholders would be reconciled, by the ascent they would make in the political scale, to the deprivation of what is in reality no substantial enjoyment. They would purchase equality with the Protestant servant and mechanic, at the expense of a useful vote.

When the qualification of a freeholder is raised, there is an incentive to honourable exertion given to the peasant: you do not tell him that he shall never vote, but you tell him, that in order to exercise this privilege he must acquire an interest of five or ten pounds a year; he has always hope before him. The Roman Catholic peasant would not consider himself as deprived of any valuable possession; most of the peasantry would expect to be able by industry to raise themselves at last to the qualification; a freehold would become an object of ambition, and would be a real and honourable privilege.

Catholic Emancipation will, in my opinion, confer very great advantages, by producing a reconciliation between the higher and lower orders, by banishing the suspicion of injustice, and generating an amicable sentiment towards the government, which will conduce to the gradual diffusion of peaceable points, by teaching the people to look up to the law as their certain protection, instead of seeking redress by acts of outrage, and by effacing that line of religious demarcation which has a rooted disposition to insult in the privileged and fevored class, and a feeling of deep resentment in the lower orders of the community. The Catholics are constantly made the objects of the most galling contumely. I shall mention an example afforded by a person in the employment of government; a gentleman at the head of the police, in the county of Wexford, not long ago told a number of Roman Catholics who happened to be assembled together, that he would direct his police men to shoot the papists like rats. This insult excited the strongest feeling of resentment among them; the result was, that an investigation was directed by the lord lieutenant into the matter; the Roman Catholic Association sent down counsel; it was ascertained that those words had been spoken, and the gentleman who had spoken them was removed from that place and sent to another. It is quite obvious that such words would never have been used, if the ignominious distinction between Catholic and Protestant were removed. If a Protestant gentleman employed language so insulting, what may not be expected from the lower orders of Protestants? The word "Papist" is constantly in their mouths. The degradation with which it is supposed to be attended, excites feelings of the deepest animosity among the people. There would be an end to those animosities at once if the Catholic question were settled, because there would be an end to that injurious ascendancy, which is personal as well as political. They conceive that granting emancipation would, from this situation of degradation, raise them to a footing of proper equality with their fellow subjects. It is, I understand, the subject which chiefly occupies the attention of the lower orders. I am quite convinced that elections would, in Ireland, be decided by higher personal and political qualifications, and

by the ascendancy of wealth and rank. As an illustration, I beg to mention that the plebeians of ancient Rome, who were excluded for a considerable time from offices of honour and emolument, which excited deep animosities in the commonwealth, elected a patrician to the praetorship, immediately after the power of electing a plebian had been obtained. Livy says, that the circumstance deserves note. There would be an end to all religious faction in Ireland, when the law had ceased to provoke it; and former feuds would be speedily forgotten.

Mr. John Browne, Examined.

I reside in Limerick ; I am concerned in a distillery ; it is one of the largest in Ireland. We have four stills, but we make about 450,000 gallons in a year ; I have also a share in a distillery in Clonmel. But we have not met with any obstructions or difficulties in the conduct of our establishment from the people of the country ; we have been sixteen years there. At the same time I am aware of the existence of religious differences in that part of the United Kingdom ; there is no person but must be aware of it, who lives in Ireland. And certainly, if the measure called Catholic Emancipation were carried, it would afford additional inducements to capitalists to invest their capital in that part of the United Kingdom. I should think my property there more safe, and I should think other capitalists would consider it in the same light, if religious feuds were done away, and the minds of the people were tranquillized. At least I would act upon that principle myself, and conceive others would also.

Mr. Hugh Wallace called in ; and Examined.

I reside in Downpatrick, in the county of Down ; I am a solicitor and an attorney in the law courts of Ireland ; and have acted as land agent frequently. With regard to the making 40s. freeholders, I know that a great number of acts have been done by the land proprietors in my neighbourhood, for the purpose of making them. For instance : the first thing I observed regarding it, was that at the expiration of leases of any large tracts of ground, several of the landlords in the county, for the purpose I conceive of creating freehold in the county, cut the farms up into small parcels ; where a farm was formerly held by one person, of perhaps fifty or sixty acres of land, the landlord would cut up the farm into tenures for three or four different persons. I also observed, and I conceived it was done with the same view, that the landlords, in place of availing themselves of the opportu-

nities afforded by the clauses against alienation and sub-letting, which were usually contained in the leases, encouraged their tenants to cut up the farms that were in their possession, under the leases; and almost encouraged them, whenever the son or daughter of any large landholder was married, instantly to make a provision for that branch of his family, so as to create a new freehold: that is, to make sub-tenant freeholders. At the same time I cannot say that it has been to any very considerable extent; but certainly the number of freeholders has been very much increased by it; some landlords have not acted upon that principle at all. There are now registered in the county of Down, I should suppose about 16,000.

I do not think the county has been polled out since 1790.

That election lasted six weeks.—It is beyond the period of my recollection; but I have heard there were either forty-six or forty-seven days polling. Before the election in 1805, I was not sufficiently advanced in life in 1805, to have any practical knowledge upon that subject. But I think the freeholders in the county of Down have been very much increased within the last year, and I think are increasing every day, in anticipation of a contest. But when I spoke of 16,000 appearing upon the register-book, I do not mean to say, there could be polled in the county of Down that number, because it is a very general practice with very extensive proprietors in the county of Down, to have their tenants registered three or four times, partly to guard against mistakes, and because there may be changes of property; the total number of the freeholders placed on the books appearing 16,000, perhaps the total number polled might not be more than 10,000.

With reference to the estates of some particular proprietors, I would say, that the larger portion of freeholders have a real *bond fide* freehold to the amount of 40*s.* over and above their rent; with reference to the estates of others, I would say, they have not. And I have no doubt that the number of freeholders is very greatly increased by a conviction on the part of the proprietor, that he adds by every freeholder that he registers, so much to his own personal and political influence in the county. But I do not conceive that the freeholders themselves attach any particular value to the possession of that species of freeholders, of which I have been speaking; although I do not conceive that they would give more rent for a lease, if it was a freehold lease, than they would give if it was not; but if it was as near as possible an equal term of years, I should rather suppose that they would consider the freehold a better tenure, for this reason, that they have in general inserted in the leases, branches of their own family.

With respect to the number of persons on the registry books, the restriction which obliges persons under 20*l.* to be registered every eight years, must in some degree occasion so many

more names appearing upon the face of the freehold registries, than there are persons entitled to vote; but I think it likewise arises from the practice of landlords re-registering their tenants; I mean, that the landlords do not wait for the expiration of eight years from the original registry.

There are many small freeholders in the county of Down, who possess the fee of property of the value of 40s. a year, in my immediate neighbourhood; and certainly a freeholder of that description attaches more value to the possession of his freehold, than the freehold lessees, of whom you have been speaking. But even those freeholders were not in the habit of having themselves registered, until within the last eight or nine years; within that time, they have. Nor do I conceive that class of freeholders, of whom I have been speaking, take into their consideration the value of the franchise in any other point, than with a view to their having an opportunity of serving, in the event of a contested election, some gentleman, for whom they have a personal regard. But I do not conceive, upon general grounds, that they would take the trouble. And I question very much if any kindness is induced from the landlord to his tenantry, by the fact of their having those forty-shilling freeholds. In some cases, it leads to acts of hardship upon the part of the landlord towards his tenants, where the tenants refuse the landlord's solicitation for their votes. And I know some of the proprietors in Ireland are in the habit of controlling the votes of their tenants. I know two modes by which they harass the tenants, who do not vote as they wish them to do. One is, preventing them from having bog ground (the right of cutting, in the bogs of the landlord, firing for the tenant,) which, in general, is not granted by the leases, but is an easement that they are permitted to enjoy by the landlords; the other is, the compelling them, upon estates where it has always been allowed, that half a year's rent should be in the tenant's hands, to pay up to that to the day it becomes due. So that, if the forty-shilling freeholder votes according to his own judgment, he is immediately obliged to pay up what is called the back half-year's rent, and is deprived of firing for the next half year. The right of fuel is not leased out with the freehold.

Generally speaking, those forty-shilling freeholders exercise no freedom of election whatever. I conceive quite the reverse. I have known instances of their being canvassed on the part of a candidate, and I have known instances of their being influed against their landlords; but not to any considerable extent. I have heard it has been considered, that it was an incorrect proceeding in a candidate to canvass the tenant, after his landlord had declared his opinion to be in favour of the opposing candidate. I have heard of its creating personal quarrels, upon the ground of its being an incorrect proceed-

ing in the candidate so to do. But I should say my experience, upon any subject of which I have been speaking, does not extend beyond the county of Down; and I am sure in no part of the county of Down does the habit of leasing out lands in perpetuity to small farmers exist; nor have I ever heard of it in any part of Ireland.

When I speak of not having heard that that was the practice, it was not the case within the last forty or fifty years, in the county where I reside: I have also said there are several small farms, held in fee; but those have all arisen, not in consequence of leases of small portions of ground being made originally, but of some large tract of ground being granted in fee, and being afterwards subdivided into small portions.

As a land agent I have been engaged in the sale and purchase of land very considerably. I have made several sales and purchases of land in the county of Down, within the last eight or ten years; and I think that the average would be twenty-two and a half year's purchase upon the improved rent of the lands; at present it is so high as twenty-five years purchase.

The measure by which land is rated in the county of Down varies; we have the English measure, the Conyngham measure, and the Irish measure. I think the average rent of good arable land per Conyngham acre, except when contiguous to towns, may be about 30s.

With regard to the proportionate mixture of Protestants and Catholics in the county of Down, I cannot say any thing, except as to the part of the county in which I immediately reside. There I would conceive that the Protestant population exceeded the Catholic population in number; in several other parts of the county, I have always understood that it is quite the contrary.

As far as my experience goes, I have not discovered any indisposition to purchase land in the county of Down, on account of the present unsettled state of the Catholic question; quite the reverse. I conceive that there is not any indisposition whatever to purchase property in the county of Down, from any cause. The rents are regularly paid. Nor is there any indisposition on the part of the capitalists in this country, to lend money on mortgage in the county of Down; but loans to a considerable amount have already been made on security, in the county of Down.

Moreover I will say I consider the tenure of property as secure in the county of Down, and the possession as valuable, as in any part of His Majesty's dominions; and that with regard to that portion of the county of Down which is held in fee, where the tenants have not been under the controul of the landlords who want to create an interest in 40s. freeholds, the cultivation and appearance of it would stand in comparison with almost any part of this country.

The lowest rate of interest at which money has been advanced on mortgage, in the county of Down, is $4\frac{1}{2}$ per cent.; but I have been informed by a gentleman of rank and fortune, in the county of Down, that he has borrowed money at 4 per cent.; but if it should be considered any objection to a title to an estate, that it had been a forfeited estate, we could scarcely ever sell property at all. We never consider it any objection whatever. When I said I considered the tenure of land in the county of Down, with regard to security, to be as good as in any part of England, I meant to say, that with regard to any property that has been advertised for sale, and sold, that the rental upon which twenty-two or twenty-five years purchase will be given, may be looked upon to be secure; I do not at all mean to say, that the rents in the county of Down are paid up to the amount of the rental of the proprietors, because there has been since the peace a very general practice on the part of several landed proprietors there, to *reduce the rents* of the tenants at the period of receipt, *still holding over* the tenant the rent which he is bound to pay under the lease by which he holds his land, so that the rental of the landlord would necessarily be the amount of rent reserved in the lease; I meant to say, that the rents which the landlords have now assented to take are regularly paid. Making allowance for the habit of the tenant keeping back a half year's rent, which I consider a matter of course. I mean, that the rents are paid with such regularity, as to make land in the county of Down good security for mortgage.

The tenure by which the occupants of land in the county of Down generally hold the ground they cultivate, until it became an object with landlords to create freehold interests in the county of Down, was a lease for three lives, or thirty-one years; since that period, landlords only make leases for one life, or twenty-one years, and that life is in general some one of the Royal Family. When I speak of twenty-two years purchase as the general price of land in the county of Down, I speak of land in fee-simple. The occupants in the county of Down generally hold directly from the proprietor of the fee. I have no idea of the proportion of land held by Roman Catholics, as compared with that held by Protestants, in the county of Down. As to proprietors, I suppose there are not, in the county of Down, more than three; I am not aware, at this instant, of more than two Catholic gentlemen, who, I have ever understood, said they had, or presumed they had, any pretensions to be upon the grand jury in right of their property; one of them has about 900*l.* a year; the other has about 3000*l.* a year. And I think that if gentlemen of about 900*l.* a year were placed upon the grand jury in the county of Down, there must be at least 100 or 150 Protestant gentlemen who would be qualified by that rate of property. I am not

aware of any gentleman in the county of Down being put upon the grand jury, as representing a property merely of 900*l.* a year, nor as perhaps representing a property of three times 900*l.* a year.

The gentlemen to whom I have alluded as possessing a property of 3,000*l.* a year, has been upon the grand jury at every assizes when he attended, his name is Mr. White. I have before said, I have observed those lands which had been subdivided, for the purpose of making freeholders, to be in a very different condition from the lands which are not subdivided; as regards to the appearance of the lands themselves, in point of population; with regard to the respectability, in point of station, of the persons occupying; with regard to the appearance of comfort that the tenants have in their mode of living, and their mode of dressing; and with regard to the stock of cattle that they have. All of which are greatly in favour of those lands which are not subdivided; there is this, however, that I have to observe, that the class of freeholders of whom I speak, as tenants in fee, in general hold larger portions of ground than is assigned to a forty-shilling freeholder by the landlord; though not much larger.

I reside almost constantly in the county of Down, and am acquainted with every class of people in it. And in speaking of farmers in the county of Down, I would be obliged to say, in regard to our part of Ireland, that we have scarcely any such class of people as farmers; but speaking of persons who hold from eight to ten, or to twenty acres of ground, the house of such a person that is of the least comfortable of them, in general consists of three apartments; the kitchen, which is immediately entered upon going into the door; at one side, a room, in which the younger part of the family in general sleep; at the other side, another room, of a considerably better description, which is occupied by the master and mistress of the family; and in the kitchen, a loft over part of it, in which the servants sleep. Such is the habitation of the least comfortable part of that sort of farmers.

The habitations of the better class of people, composing the yeomanry of the county, are very superior indeed, but even in those inferior habitations, I have not perceived a want of the common utensils of furniture, on the contrary I think that in a great number of them there is rather a superabundance of it; many persons, in that situation in life, accumulate furniture from time to time, for which they have not actually any use themselves at the present moment, but for the purpose of having it to dispose of, upon the settlement of any part of the family. They generally have beds and bed-clothes: as to allowing their cattle or pigs to come into the house, we should be very much surprised if we saw any thing of that

sort, in the county of Down, among the persons I have described.

This is among the inferior class of farmers. They have every kind of utensil for dressing their victuals, and I should say, they are not without that degree of comfort which belongs to their situation in life. The houses are furnished with doors, glazed windows, and chambers, but generally not windows which open. A boarded floor is unusual in the houses of the description of which I speak, the floors, I believe, in general, are made of a composition of lime, and earth and ashes; not paved with brick or stone; but the composition is as perfectly dry as brick or stone.

The persons whose situation I have been describing, are chiefly small farmers. The manufacturers, I think, in general, have not so much ground as that which I have been speaking of. The condition of the labourers under those people, is of course very different, many of their habitations are *destitute* of that degree of comfort which belongs to every *civilized being*. There is regular employment given to those cottiers in the county of Down. The cottiers are in general weavers; they are bound, when they take their house and garden from the landlord, to work for him a certain number of days in the year, at a certain rate; if he employs them more than that number of days, he must employ them at whatever rate he can agree with them for.

The general practice is, with persons in a respectable situation amongst the farming class, to pay them in money; the practice amongst others is, to give them meal and potatoes, as well as money. The usual food of the lower orders of people in the county of Down, is oatmeal and potatoes. It is a common practice in the county of Down, for the cottier to make terms with his landlord for what he calls the run of a cow, that is, liberty to keep a cow on the land of his employer. But I think there are many persons in such a situation in the county of Down, as to be without any other food than that of potatoes and water. I think in the mountainous parts of the county of Down they are, but I do not think the majority of the people in the county of Down are in this situation, quite the contrary: the state of the lower class of people between Newry and Dublin, I take to be inferior, in point of comfort, to that in the county of Down. I think between Banbridge and Newry they are not so comfortable as in the county of Down, near where I reside. The best description of small farmers eat animal food very frequently.

Within these last two years, wheaten meal has come into much more general use than it was before; the farmers find that they can obtain a better price for their oats and their corn, than they can after it has been ground into meal; and in con-

sequence of that, the millers in the country are now in the habit of making a coarse meal from wheat, which is getting into pretty general use.

The expense of constructing the habitation of one of the inferior class of farmers, I suppose might be about 25*l.* a house of the description which I have mentioned.

There are many farmers that have slated houses; almost all the houses that have been put up in the county of Down, for the last four or five years, are covered with slates; and it is a general practice, upon one or two estates, for the landlord to give credit to the tenant out of his rent; some landlords 5*l.* some 10*l.* whenever they build a slated house upon the land. The quantity of land a man would hold, who would build himself a slated house, would be about ten acres; such a house I suppose might cost him about 35*l.* Many of them are weavers, besides being farmers.

I have no doubt there are many, who build houses of the description I have mentioned, who have not any thing but the profit arising from the land; but they have built under those circumstances, of the landlord's allowing them a certain portion of their rent, in consideration of their doing it. Many persons possessed of ten or twelve acres of land in the county of Down, may be worth from 1,000*l.* to 1,500*l.*

I have always observed great anxiety in the lower classes of Irish to have a very long tenure in their land; an Irish farmer would not accept a fourteen years lease, without a life, or think it of any value, although I have understood, that in England there is a great deal of land held upon fourteen years, and shorter periods. When I say, I conceive that a farmer would not attach much value to a lease for so short a term as fourteen years, I merely give my own impression of what it is probable they would think; the farmer, I would conceive, who had so short a tenure as that, would be very likely not to improve his ground in the kind of way that he would, if he had a longer tenure; it consequently would not be so productive to him, and he would be unable to pay so high a rent, and besides that, the landlords in the county of Down in general, do not make any allowance to the tenants for keeping in repair any of the houses or buildings of any description that are upon the grounds.

I conceive that the tenant has not sufficient confidence in his landlord, to think that if he were to make any improvements upon his farm, there would be any fair consideration made to him for those improvements, at the expiration of his term. I think the general impression would be, that the tenant would be apprehensive that the value of his farm, so improved by him, would form the basis of the ensuing contract between his landlord and himself.

When I mentioned tenants, of from 8 to 10 acres, who had

property to the amount of £1,000. or £1,500: they are persons whose lands were let antecedent to the commencement of the high rents, who have availed themselves of the opportunities afforded them by the high prices, and who did not improve their mode of living in consequence of their increased incomes, but saved the money, simply out of the profit of farms of 8 or 10 acres, without the profits of trading or weaving. They employ that capital generally by having the money lent, and receive the interest upon it.

I have known individual instances, where it has been accumulated in the space of 8 or 10 years; it does not arise from the mere profits they make of the ground, but it arises from the accumulation of those profits, from their not spending one farthing of whatever they have saved, but increasing it.

I have acted as agent for the Dean of Down; the Dean's property, as Dean of Down, consists entirely of tithe. The Dean of Down was presented to that living, I think in 1817, and upon his introduction into it, agreements were made with the majority of the people, for five or seven years; those agreements had not expired, when I resigned the agency, that is, in 1822; what may have been done since, I cannot speak positively about, but I am inclined to think, that the agreements that have expired, have been renewed for similar terms, and not made to continue during his incumbency.

Upon the subject of tithes, I have very frequently heard complaints on the part of the farmers. The occupiers of the ground in the district, the tithes of which belong to the Dean of Down, had been holding under agreements made with the former Dean of Down in general, about the year 1789; and there is consequently in the agreement made in 1817, a very great increase, and there would therefore be very considerable complaints on the part of the farmers; but there have not been complaints against the Dean of Down, that he lets his tithes at too high a rate.

The general system of letting tithes in the county of Down is for the clergymen to have agreements made during their incumbency, which is in fact a composition; and that plan has always led to a good understanding between the parishioners and the clergy. The rate per acre of those compositions, in the deanry of Down, may be about £3. 6s. that is not for the land in cultivation, but for the entire holding for which a person pays tithes.

That composition does not distinguish between the crops which the land bears, it is a general composition upon the whole land; and the tenant who makes a composition of that description, is bound to pay that, even if he have not any crop at all. There have been attempts in the county of Down to charge tithes for potatoe, but those attempts have never been successful. There is a tithe upon hay, and upon flax. The ge-

general rate for the best quality of wheat, may be estimated at about 16s. to 20s. the Irish acre. Upon oats; the best quality may be about 10s. 6d. to 12s. that is the very highest; I suppose the general charge for oats, may be about 7s. 6d. the general charge for wheat, about 12s. 6d.; Barley in general, about the same as oats. That charge of tithe is made upon those lands, the rent of which I have stated, is 80s. a year.

When the tithe is valued by the clergyman, where there is no composition, the tenant may know what value is put upon it, before the crop is cut, if he please to apply to the agent of the clergyman; but there is not any notice given by the person who views the tithe, to the occupier of the ground, of the value he puts upon it; and it often happens that the tenant, by having cut his crop, and removed part of it, is compelled to pay a value, which he was not at all aware was put upon it; as far as I have been able to discover, he may always learn it, if he chooses to ask; and they are perfectly aware, that if they do not apply to the agent, they subject themselves to the difficulty stated.

The contract for the tithes is not generally made when the crop is standing; the tenant I think, in general, prefers to have his crop cut, in order that he may better judge of the value of it; the clergyman, in general, views it as shortly before it is ripe and ready for cutting, as his viewers can make it convenient. There is a legal difficulty in the tenant giving notice to the clergyman properly, to take his tithe in kind, in case he were not satisfied with the value put upon it; but I am not aware of any instances of a clergyman, unfairly taking advantage of any want of technicality in the notice that is given to him.

Speaking of the deanry of Down, there were not during five years that I was agent, more than about twenty notices served upon the viewers of the Dean to draw, tithe-compositions were made upon the valuations given in by the viewer to the agent; but there is a district of county near where I live, that there is now a very great deal of difficulty in managing the tithes of, and there great numbers of notices have been given by combination among the landholders, and a great quantity of tithe that the clergyman should receive, has been refused to be taken by him, under an allegation that the notices had not been properly served; but there have not been any legal proceedings yet taken on either one part or the other. Those cases happened last crop.

By combination I mean, that the landholders in the entire parish, have come to a resolution, with at least a very few exceptions, that they will not individually make agreements with the rector, unless an agreement be made by him, with the parish at large.

I do not think those notices were given with reference to any objection to the value put upon the tithe, for I am perfectly

convinced that the demand the clergyman made is less than the real value of the tithe; but the entire parish had been leased about the year 1796 or 1797, by the then rector; his incumbency continued until immediately before the last autumn, and the then occupiers of the ground, I mean in 1796 and 1797, had availed themselves of the disturbed situation of the country, and had made agreements with the rector for his incumbency, for so low a sum as about £340. or £350. a year. I suppose the fair value of the tithes of the parish, I should not say the fair value but the extreme value of the tithe, would be at least £2,000. a year; and I would suppose that the fair value of the tithes would be from ten to twelve hundred pounds, calculating the fair value upon the usual principle which is acted upon in that part of the county, whereas he only asked £1000. per annum. The parish offered this gentleman £640. or £650. the double amount paid to the former rector, which he refused to take.

What I wish the Committee to understand, by the term fair value of the tithe, is, in the county of Down, I would call the fair value of tithe, about the one-fifteenth in the place of the one-tenth, in using the term. When I stated, that £2,000. a year was the value of the tithes of the parish of which I spoke, I meant that that was the full value of the tithes, or about the full value of them, if they were drawn and sold.

I have stated, that the tithe on the land of the best quality, producing wheat, is about 16s. to 20s. the Irish acre; that is taking it generally. The produce of such an acre of good land, in wheat, might be about 25 cwt. at 112lbs. each. With regard to the produce of oats, I am not prepared to give an answer. The value of 112lbs. of wheat, at the present prices, I suppose about 15s.

From 1797, or thereabout, down to the present time, I apprehend the advance of rent in the county has been doubled; and the proposition made by the parishioners, was to double the value of the tithe, which was then exacted by the landlord. And in the abstract, a person would suppose that to be fair; but in the particular case to which I allude, it will not be at all fair; because the part of the county, in which that parish was situated, was exceedingly disturbed at the time that that agreement was made with the clergyman; the clergyman was a perfect stranger to them; he came from the county of Wexford; he had not any influence, and they availed themselves of the opportunity, which the commotion of the country afforded them; and in consequence of that, they got an agreement made, as I suppose, one-half of what, even at that time, the clergyman would have been entitled to; and the clergyman afterwards instituted proceedings in the court of Chancery in Ireland, for the purpose of getting rid of the agreement, under an allegation of its having been made through

coercion; and that he was obliged to submit to it, from the peculiar circumstances of the country, at the time he made it.

They were disturbances arising from the society of United Irishmen; there were several engagements in the county of Down, between the King's troops and them; and almost the entire population of that part of the country, were said to be United Irishmen. Those engagements took place I think in the summer of 1797, or 1798; I am not certain as to the date.

As to whether the United Irishmen were Protestants, or Catholics, I really cannot say, I have no experience on the subject from my own knowledge; I have heard a great number of opinions expressed by different persons upon it; this however it is necessary for me to say, that that portion of the county respecting which I speak, is almost entirely without Catholics, and was more so at that time than it is now; I mean the particular parish in which the system of United Irishmen was prevalent.

Upon the subject of administering justice at quarter sessions and petty sessions.—I have attended the courts of quarter sessions ever since I was a practising attorney; about 15 or 16 years; and I think the people in the county of Down are perfectly satisfied with the administration of justice at the quarter sessions; and I think they have a right to be perfectly satisfied. The magistrates attend the quarter sessions very frequently, and sit with the assistant barrister; but it does not frequently happen that they interfere.

I have practised in the court of quarter sessions, and I must say I think that it is a good system to leave the whole administration of civil proceedings in that court, to the assistant barrister. I conceive that it would be almost impossible if there were the intervention of a jury, as in the superior courts, that they could get through the great quantity of business that they have to do; the court already has the power of impanelling a jury upon any question that they please; and the assistant barrister has always had recourse to it when requested by the parties.

One great objection to trying all civil causes by a jury would be, the length of time it would take, and the very great difficulty that would arise in having a jury always to hear them; from the multiplicity of cases that come before the assistant barrister, the probability is, that in order to have a disinterested jury, he would have to swear a new jury, perhaps every half hour; and I have never heard the parties concerned in civil process in those courts, complain of the want of a jury.

On an average there are generally about 350 civil bills tried in the court of quarter sessions; and from 5 to 600 entered; I speak of the quarter sessions antecedent to the repeal of the stamp duties.

Those quarter sessions are held at four different places in

the county ; at each of those places the sessions is held twice a year. I think, there may be about 100 tried in one day.

The only ground of complaint that I have heard, respecting the carrying of decrees into execution, is, arising from a doubt whether an Act of Parliament that was passed in the 31st year of George the Third, applies to decrees made at quarter sessions ; that was an Act providing, that no decree should be carried into execution after sunset, and that no property should be sold under a decree, without giving four days notice of the sale.

I have heard it is the practice to fill up the warrants for carrying those decrees into execution, with the names of the persons in whose favour the decree has been given, but in the county of Down it is not at all the practice. The assistant barrister signs the decree ; it is given to the party, and the sheriff is waited upon afterwards for his warrant.

I consider those two Acts of Parliament which have been passed since the year 1817, giving to landlords a more summary mode of ejecting tenants under 50*l.* a year rent, advantageous both for the landlord and the tenant. They have given rise, however, to a practice on the part of some landlords, from the very little expense that attends the merely serving the process upon the tenant, to avail themselves of the right of proceeding against him at quarter sessions, to enforce the more immediate payment of their rents ; but why I conceive it to be advantageous to the tenant to give the landlord this summary process, is where the interest of the tenant is worth redeeming, he incurs much less expence by not paying his rent at the period he ought to pay it, than he would have incurred otherwise.

Before those Acts were passed, practically speaking, a landlord scarcely ever attempted in consequence of the great expense to which he was exposed, to eject a tenant whose rent was of small value.

The remedy that was usually taken by landlords against small tenants, for the recovery of rent, was either by distress, or by suing them at quarter sessions, and obtaining decrees against the persons. The expense of that process amounted to only seven or eight shillings, whereas the expense of ejecting a tenant, antecedent to the alterations that were made in the law, by which the fees of the officers of courts of justice were done away, was about 18*l.* the expense now, in consequence of the alterations that have taken place, is not more than about 11*l.*

The expense of ejecting a tenant now, under 50*l.* comes to about 2*l.* at quarter sessions ; but the costs in the superior courts are about 11*l.*

In the mode of transacting business at quarter sessions, as far as I am acquainted with it,—I have not been at any session,

except the sessions for the county of Down ; there I have not seen any instances of the business being done in a hurry, except upon the last day of the sessions, when the assistant barrister is obliged to get all his business finished, in order to attend the sessions in the next sessions town. The assistant barrister in the county of Down practises in the superior courts in Dublin, but I have not perceived that any peculiar press of business, or dispatch of business, has occurred, as far as I have been able to remark, in consequence of the assistant barrister practising in Dublin. I think, in general, the assistant barristers in Ireland, as far as I have been able to discover, are persons who have not extensive business in the superior courts. Nor have I ever known it happen, in consequence of the assistant barrister being not only a judicial officer in the county, but also a practising barrister in Dublin, that he has been concerned as barrister, in cases which afterwards came before him as judge, nor do I see how it could well arise.

On this subject, there are several difficulties, which the court of quarter sessions labours under, to which I think very material remedies, in no way prejudicial, might be applied ; there are several powers, that the court of quarter sessions want. The first objection that I have to the power of the assistant barrister, as it stands at present, is, that he has not any authority to award expenses to any witnesses who are brought forward by the parties suing, or by the parties defending ; the consequence of that is, that it not unfrequently happens, that the expense of bringing witnesses, and keeping them for a day or two at sessions, amounts to more than the sum that the man originally sued for ; the usual way of doing business at the quarter sessions, is, to have all the causes entered into the book of the clerk of the peace, and leavé to the discretion of the party plaintiff, the period of the sessions at which those causes will be brought on ; so that the party defendant cannot be at all aware of the time at which he should be prepared to go into his case ; he is consequently obliged to have his witnesses there, from the commencement of the sessions, keeping them there at a considerable expense ; and he cannot get, by any order of the assistant barrister, any compensation for this.

" Counties are now divided into two districts, in each of which are two sessions towns. A plaintiff may sue at either sessions town of the district in which a defendant resides ; and thus a defendant may be forced to appear at a very great distance from his residence, quite unnecessarily, and perhaps wantonly and maliciously.

" The expenses incident to summonses, witnesses, notices to produce books, and papers, the attendance of plaintiffs when required

by defendants, and the service of processes, summonses or notices, cannot be awarded against the party.

"The utmost costs recoverable against the defendant, are 6s. 4d. and against a plaintiff 5s. 10d. viz.

Plaintiffs Costs :	s. d.	Defendants Costs :
Process if prepared by attorney	0 6	Same, deducting 6d. for process.
Entering the cause, attorney	0 6½	
Do - do - clerk of peace	0 3	
Attending the hearing, attorney	1 7½	
Barrister on decree	1 1	
Attorney on same	1 1	
Clerk of peace on same	0 3	
Sheriff on warrant	1 0	
	6 4	

"In consequence of these very small fees, a plaintiff frequently harasses persons upon whom he has not any fair demand. He serves a process on a defendant to appear at a sessions perhaps thirty miles from his residence; this process (now that the stamp duty is repealed) costs only 1d. the price of a printed form, which he fills up himself, as it need not be signed by an attorney; the defendant must either submit to pay the plaintiff's demand, or appear in court; the sessions continue for a week; the defendant cannot tell when the cause may come on. He must attend with his witnesses all the time, and the only costs he can obtain are what he is out of pocket in law fees, as before detailed, and even these the plaintiff may save himself from (by serving notice on the last day of the sessions that he will not proceed) except 1s. 7½d. the costs of the defendant's attorney's attendance; this the plaintiff may repeat every sessions if he pleases, at the same trifling expense. On the other hand the plaintiff may be harassed. A defendant who is really indebted, frequently makes the experiment of taking defence; employs an attorney at 1s. 7½d. costs, or even without that expense, and without any intention of referring to the plaintiff's oath, serves a notice requiring the plaintiff to attend for personal examination; with which demand the plaintiff must comply at his own expense, or have his suit dismissed with costs. This frequently occurs, and obliges plaintiffs to withdraw their action rather than submit to the inconvenience,

"I would suggest that the county districts should be further subdivided, which would still leave a plaintiff an opportunity of suing every six months; that the court should have a discretionary power of awarding all expenses actually incurred; that the fees of the attorneys should be increased, and that a stamp duty should be imposed on the process for appearance. The stamp duty might be applied in forming a fund for increase of salary to the assistant barristers, which would be much preferable to the present system of a judge receiving fees and having his income depending on the number of cases he may decide. The increase of attorneys fees, at the same time that it wou'd tend to prevent experimental suits and defences, would induce a very desirable alteration in the class of attorneys practising at

sessions, as the want of a fair remuneration for their trouble and loss of time prevents the attendance at civil bill courts, of attorneys who have respectable or even moderate business otherwise; but at the same time I must observe, that even the increase of fees would not have the desired effect, unless the humiliation which attorneys are subject to, of taking in open court at every sessions town, an oath against receiving of more than legal fees, be discontinued. The law requiring this oath should be repealed, and that would have a considerable effect with respect to attorneys, even if the fees be not increased; the oath is degrading to the profession; it is not required in any other court; it is not in any way beneficial to the public, not necessary for the suitors protection, as the control which the court has over its officers, is sufficient to prevent any improper practice; and the impolicy of the oath is strongly proved by the fact, that in many counties the assistant barristers do not administer it, though bound by the present law to have it sworn before they commence business.

" Decrees of the court may be renewed at any time within six years, upon the oath of the plaintiff, his agent, manager or clerk, without any notice to the defendant. A plaintiff obtains a decree; holds it over; receives payments on account of it; extorts money under colour of it, and is perhaps paid the full amount; and he afterwards, on his oath, or that of any person he puts forward as his manager, obtains a renewal decree for any sum not exceeding the original amount. The defendant has no opportunity of protecting himself, and cannot punish the plaintiff but by a prosecution for perjury, or an action at law, the expense of which is generally beyond his means. This happens often; I know instances of it; and the power thus given to a plaintiff, is not only a hardship on defendants, but it directly holds out inducements for perjury among a class of persons not very unlikely to be influenced by their own interest.

" I would suggest as a remedy, either the taking away the right of renewal, and leaving the plaintiff after three months, to bring a new action on the former decree, the expense of which would be a very trifling sum more than the costs of a renewal; or making it necessary that the plaintiff, before obtaining a renewal, should prove the service on the defendant, of a notice of his intention to renew on a particular day of the sessions; and in either case the defendant should only be permitted to prove in defence, any fact subsequent to the original judgment.

" The jurisdiction of the court in trover, detinue, assault, trespass, vi et armis, actions on warranty, and special case generally, is limited to 5*l.* it might be extended to 10*l.* But on that extension, or even without it, I would suggest that the party should have a right to demand a jury. The intervention of a jury in every case would be very inconvenient, and would render it almost impossible to dispose of all the business of a sessions in a reasonable time; but the right would not, in my mind, be often exercised by suitors, as I have not known of any, and have heard of but few cases of complaint of the want of it. If the right be given, it should be only on the terms of the party serving notice for a jury on the first day of the sessions, which would afford an opportunity of postponing jury cases until the conclusion of the common business; and it should not interfere with the present power of the court to impanel a jury in any case when considered to be necessary or proper.

" It frequently happens, that from some fatality, as sickness or absence of a material witness, a defendant cannot properly go into his case, and as the law now is, the court cannot postpone or adjourn it; this is a hardship, and the court should have the power of adjournment in its discretion.

" The right of appeal is an important one; it is given by the present law, but it is incumbered by a condition that the attorney of the party appealing shall make an affidavit that there is just cause of appeal. This condition almost destroys the right, as it is evident that an attorney must be unwilling to make such an affidavit (and in fact he scarcely ever does) swearing to his opinion, though he may conscientiously think himself right, when his oath is directly in contradiction to the decision of a court in which he practises, and in which the judge also is acting on his oath. It appears to me that no injury could possibly arise from dispensing with this oath, as I think that unnecessary or vexatious appeals are sufficiently guarded against by the present provision, that an appellant shall give security for payment of the amount of the decree, and double costs in case the appeal shall be decided against him.

" The record kept by the clerk of the peace is not sufficiently extensive, it only contains the names of the parties, the witnesses, and the sum decreed; it should contain also the nature of the action, as without that the judgment cannot be pleaded as a bar in any other action between the same parties, which it otherwise could and ought to be, as in the superior courts. A very easy remedy is offered for this; viz. that the clerk of the peace should keep and file every process on which a decree may be pronounced; the doing this would give very little trouble and no expense, as it is already provided that the process shall state the amount and nature of the plaintiff's demand.

" It appears from the Irish Act, 35 Geo. 3. c. 25. establishing the assistant barristers jurisdiction, that it was the intention of Parliament to extend to that court the several antecedent statutes respecting civil bills at assizes; but considerable doubt exists whether this intention has been carried into effect, and questions arising on that point have been decided by different judges in a different manner, particularly as to the Act 31 Geo. 3. c. . for preventing frauds in the execution of decrees. The law should be settled, either by distinct enactment to the effect intended, or the several Acts in relation to those courts should be consolidated in one general law, which last would certainly be most desirable.

" With regard to the Geo. . c. . the late Ejectment Act, which has created a new jurisdiction for assistant barrister courts, the same objection arises to it as to the 36 Geo. 3. c. 25. viz. that the expenses of service of process, notices and witnesses, cannot be awarded against the party, and that there are fees payable to the judge. It also appears to me, that there should be separate fees fixed for the attorney on preparing the process, entering the cause, attending the hearing, and preparing the decree, as in other civil bill cases. As the fees now stand, the attorney is entitled to one guinea on preparing the process, and he is not entitled to any more for the ulterior proceedings. The fees of the clerk of the peace is not at all adequate to his trouble, and the fee to the sheriff, though sufficient where he only gives a warrant to the plaintiff's bailiff, is not so when he is called upon (which he may be) to execute the decree himself, or by his own

officer, the fee is only 1s.; whereas on executing a writ of a similar description from the superior courts, he is entitled to 2*l.* 10s.

"In the superior courts, when an ejectment is brought, and there is not any defence taken to it, judgment and execution are obtained by default, without any proof, save an affidavit of service of the ejectment, and in rent cases an affidavit of the sum due. The law is different as to quarter sessions, it being necessary there to prove the case, although no defence be taken, which on account of the expense of witnesses, often makes the expense of the sessions court as much as that of proceeding in the superior court. It might perhaps be wrong to alter the law as regards tenancies from year to year, or at will, but an alteration as to ejectments, founded on non-payment of rent under demises in writing (to very few of which there are defences) would materially benefit the landlord, and would save money to the tenant, if he afterwards came to redeem his interest by payment of rent and costs.

"According to the forms of process given by the Ejectment Act, there can be only one title set out on the part of the plaintiff; it frequently happens, that from family settlements, outstanding trust terms and mortgages granted after the commencement of the defendants tenancy, doubts may arise whether the landlord can recover in an ejectment in his own name, inconveniences have arisen to proprietors of extensive estates in consequence of this; and as the alteration would not add any expense, nor do any injury to defendants, it would be well to enable the plaintiff to proceed by service of a declaration in ejectment and notice to appear, as in the superior courts.

"There is not sufficient power vested in the court at quarter sessions to enforce the attendance of witnesses on the civil side; the only penalty for non-attendance on a summons, is a fine not exceeding 20*s.*, and on the crown side there is not, as far as I am aware, any power to punish for such non-attendance.

"The fee payable to the clerk of the peace for a summons on the civil side (only 4*d.*) is not sufficient, and on the crown side it is 5*s.*, which is too much, considering the frequency of summoners, particularly in civil cases; 1*s.* would appear to be a reasonable charge for each summons on either side of the court."

I am also the agent for the Northern Bank in Ireland, established upon the Scotch principle of joint stock companies. It was established under an Act passed in the last session; it commenced on the first of January; and it possesses the unlimited confidence of the whole of the north of Ireland; and it is my opinion, that it will be productive of the greatest advantages to that part of the country. And I have heard that it is proposed to establish joint stock companies upon a much more extended principle than the company to which I belong. And it is not only my own opinion, that the establishment of those provincial banks will be attended with the greatest advantage to trade, to commerce, to manufactures, and to the internal resources of the country, but I believe it is the opinion of every person in Ireland, who has given any consideration to the subject.

Having turned my attention professionally to this subject, I will give the Committee some information as to the obstacles

which exist at present, by the law of Ireland, against the establishment of provincial banks. It is alledged, on the part of the Bank of Ireland, that under the law, as it stands at present, joint stock companies can only be formed of persons resident in Ireland at a distance of fifty miles from Dublin: that besides the disqualification arising from residence, if any person who even resides at the prescribed distance, be connected in business with any person residing within the prescribed distance, he also is disqualified.

There is a law of the Irish Parliament, called the Bankers Act; but I am speaking now of the difficulties arising merely upon the Act of last session, the first and second of George the Fourth. As far as the Northern Banking Company is concerned, that allegation of the Bank of Ireland has had the effect of obliging them to put out from their society persons who were resident in England, and who were very desirous to be members of it; it has also had the effect of obliging them to put out a great number of persons resident in the north of Ireland, who held Bank of Ireland stock, canal stock, and stocks of our public companies whose business is done in Dublin. The effect of that interpretation of the law, would be to prevent the introduction of any English capital into Ireland, in a joint stock company, except by loans of money being made by English capitalists to persons embarking in the trade; it would prevent any person resident in England embarking in the trade at all.

There are obstacles arising from the nature of the banking laws in Ireland, which would necessarily prevent any persons embarking in joint stock companies, who would be inclined to do it, if those laws did not exist; but that any practical difficulty arises in consequence of the existence of the Bankers Act, I am not prepared to say; the only practical difficulty that arises in the way of joint stock companies in Ireland, is from a clause contained in the Act, under which the Bank of Ireland was formed, which prohibits any number of persons more than six, from issuing bills at a shorter date than six months; under the last Act the operation of that clause has been limited, and stock companies may now issue bills payable on demand, but they are still prohibited from issuing bills after date, or after sight; and the possession of that power is absolutely necessary for any banking company, to enable them to carry on the business in the way that bankers do.

The Bankers Act, in Ireland, does not prevent the depositing of money with bankers, and receiving interest. Bankers do pay interest, but the securities that are given by the banker to the person who deposits the money, are declared void by the Act; the provision that exists, in fact does not create any penalty upon the banker, but creates the chance of an entire forfeiture of his money, on the man who ignorantly deposits his money. How far, in the case of the failure of the bank,

the person who lends him the money in that way, would utterly and absolutely lose his money, I am not prepared to say.—I am inclined to think that that would not be the case ; the opinion of eminent counsel that we have taken upon the subject, does not go any further than this, that the security is void, but that it is doubtful whether the contract that exists between the depositor of the money, and the banker, may be enforced in a court of law, notwithstanding if the depositor be able to prove it otherwise. At present I think that the security of the public against fraudulent bankers, is perfectly obtained by the present bankrupt laws, without allowing what is called the Bankers Act to stand upon the statute book in Ireland. At the time the Bankers Act was enacted the bankrupt laws had not been enacted, a great number of the provisions in the Bankers Act are rendered completely unnecessary by the introduction of the bankrupt laws ; there are several provisions in it besides these, which do not exist in any Acts upon the subject of bankers in England.

Having stated, that obstacles against the establishment of banks have arisen both on the part of the Bank of Ireland and the Bank of England ; I will now state what the obstacles are on the part of the Bank of England.—I understand that the objection on the part of the Bank of England is, to a board of management for Irish provincial banks being held in London. I wish to mention, that if the doubts upon the law respecting the introduction of English capital into Ireland, be removed, it would appear to me that it would be very unfair to the Irish banker, if this Irish Bankers Act were not repealed ; because his property in Ireland would be bound by all the provisions of it, while the property of the English resident would not be affected by the operation of that Act, in any way whatsoever ; whereas I conceive, that the general interests of society will be as well provided for in Ireland as they now are in England, by leaving it solely dependent upon the bankrupt law as it stands.

When I talk of the benefit of establishing provincial banks, I contemplate the law remaining in that respect as it is at present, each member of it being liable to the full extent of his property, for the entire engagements of the company.

I know a very extensive estate in the county of Down, where the rule of the office was, that no notes should be received in payment except the notes of the Governor and Company of the Bank of Ireland ; that rule is now altered, and directions are given, that the notes of the Northern Banking Company shall be received ; and I take it that the notes of a joint stock company, formed upon similar principles, will also be received. There is one thing which it is necessary for me to mention, however, as to the remedy of the public against persons residing in England, who invest property in banking establishments in Ireland : it is this, that the law, as it stands

at present, does not give an equal remedy against a banker, or a member of a bank who resides in England, as it does against the member of a bank in Ireland. The judgment which would be obtained against a public officer, immediately attaches upon the property of a banker in Ireland; and upon the contrary, it has not any effect whatsoever upon the property of a banker who resides in England. He must obtain judgment in an English court; it is a point, however, which is very easily remedied.

Lord Killeen, Examined.

I reside in Ireland, in the county of Meath, and act as magistrate in that county.

The police establishment under the new Constabulary Bill was introduced into the county of Meath in the month of December, 1822. The constables and sub-constables were appointed by the magistrates; the chief constables of course by the government.

The individuals appointed as constables and sub-constables by the magistrates were selected, in the first instance, from those of the old baronial constables, who were qualified from their conduct, their age, and their learning, those who could read and write, which is a necessary qualification for them; afterwards the magistrates appointed those that they thought likely to fill the situation with advantage; and, generally speaking, the expectations of the magistrates, as to the conduct of the individuals who have been so appointed, has been fully answered. And I certainly consider that good effects have arisen in consequence of the magistrate's taking upon themselves to make those appointments, and making them from the body of the people in the county. The appointments have been better made than by leaving it to chief constables, as it has, I understand, been done in other places.

The chief constables in the county of Meath are half-pay officers in general. One of the defects in the present constabulary system in Ireland, in my mind, is the practice constantly when a man behaves ill in one place, to remove him to another; I speak of the constables, not of the chief constables; not that it has produced any evil consequences when it was done that I am aware of; because the persons have been removed to a distance, and have been lost sight of.

In the old baronial constable system, the police was so excessively deficient and inefficient, that we were very glad to have the Constabulary Bill; and the county of Meath was one of the first in which it was introduced.

The system of petty sessions is universally acted upon now in the county of Meath, within a few months; but in some parts of, it has been in existence for two years, or two years and a half; and I am not acquainted with any magistrate

who continued to act individually, after the introduction of the petty sessions system ; and I think the establishment of petty sessions has given the people a very great confidence in the decision of magistrates ; both from the openness of the proceeding, and the combined administration of justice by two or more magistrates ; and I do not conceive that it has made any difference in the expenses attendant upon proceedings before magistrates, in the county where I reside, because the magistrates immediately around us, were not what are called trading magistrates.

By trading magistrates I mean magistrates who have not much stake in the country, and who receive payment for warrants and summonses, &c. which was a common practice in Ireland, but it is not so now.

On the subject of misbehaviour of constables, for which they have been removed to other parts of the country, there is at this moment, I believe,—I speak merely of the county where I reside, a person of the name of Rowley, whose wife was a Roman Catholic; she was ill in labour, and wished to see the Roman Catholic clergyman; her husband, who was a Protestant, did not chuse that she should see a Roman Catholic clergyman : he sent for a Protestant clergyman, and the Protestant clergyman, finding that the woman did not wish to have his assistance, retired, and recommended that a Catholic priest should be sent for. The woman died without seeing any clergyman. That man was reported to the superintendent of the county, and he was removed to another post or station, so that in that instance his misbehaviour was not connected with his public duty as a constable.

The police in the county of Meath, in some instances, have unfortunately been obnoxious to the inhabitants where they have resided.

It has been the practice, to bring the misconduct of those constables before the magistrates assembled at petty sessions, by the chief constable ; therefore any misconduct has been taken cognizance of before the petty sessions ; but the only punishment, I believe, that the Constabulary Bill allows, is removal or dismissal ; there is not military discipline. One instance in which the police rendered themselves obnoxious in the eyes of the people at large, was a case at Summer Hill, the facts of which I do not, at this moment, exactly recollect ; I know it only from hearsay ; a case of what was called murder, there was a death ; in that case the cause of quarrel was regarding a difference of religious belief.

I think the magistrates have the power of fining constables for ill behaviour ; and I think it is the government that has the power to dismiss, and of reducing them from one rank to another.

That case at Summer Hill occurred some months ago ; I am not quite certain as to the precise time ; but it is since the last assizes ; and will be tried these assizes.

I think, at this moment, the county is divided into seven or eight districts. We have four quarter sessions towns where there are court-houses ; and in the other towns they are held in the best houses which can be had. There is no power existing by law at present, to establish small court-houses, for the purpose of holding petty sessions ; but I am sure the administration of justice in those petty sessions, would be more regular, and more impressive upon the minds of the people, if there were small court-houses established at the different stations where the sessions are held.

I have also heard the uncertainty of the present state of the law, with regard to the fees that are to be taken for the clerks of the petty sessions ; being much complained of by the magistrates ; and I conceive it would be very desirable, that the fees that are to be taken upon justice business, should be fixed and ascertained by law,

At the petty sessions in the county of Meath, every case is entered in a book, and the decision upon such case : and if that practice should not be universal in other parts of Ireland, I think it would be desirable to make it imperative upon the magistrates presiding at petty sessions, to preserve a record in writing of all their acts. At the petty sessions that I attend, the chief constable is always present ; I have never known him to be absent.

Perhaps the establishment of court houses at different places throughout the county, where petty sessions are held, would cause some discontent amongst the population of the county, on account of the expense of it ; but I am sure in some towns it would be very beneficial to have a public court, because the great advantage arising from the system of the petty sessions, is its publicity and openness. How houses are now provided at those places I do not know ; where I attend, is one of the quarter sessions towns.

I have not heard any complaint from the magistrates in the towns which are not quarter sessions towns, that they are insufficiently accommodated ; but I have heard from a chief constable who attended another petty sessions where I do not go, that there was a great inconvenience arising from want of a large and proper house.

The species of duty that devolves upon the magistrates at petty sessions, is chiefly servants wages accounts, and informations of course ; but I should state, that as the county I live in is very tranquil, that one half of the year there is scarcely any business but those small complaints of the servants against the masters, for wages due ; therefore apprehend, that the giving to the petty sessions a jurisdiction in small debts, would entail upon them a very burthensome duty. But whether the gentlemen who live in the neighbourhood, would be willing to give up so large a portion of their time as would be necessary for the settlement of such questions I can-

not possibly answer; some gentlemen I dare say would; nor do I think it necessary, considering the mode in which those questions are decided now, that such a jurisdiction should be given to the petty sessions.

At present we meet at twelve o'clock, and we generally break up from four to five; and sit once a week; and I should say that constituted as the magistracy is, and necessarily constituted, in consequence of the number of absentee proprietors, great inconvenience might arise from extending the jurisdiction of the petty sessions, in cases of wages and debt.

With respect to the recovery of small debts, six pounds, I think, is the highest sum to which a magistrate is now empowered to go; and I should think it might be beneficially extended, in cases of wages, very safely to ten pounds.

I act as a grand juror, but I cannot say I have been able to trace any material reduction in the number of bills which are sent in to the grand jury, subsequent to the establishment of petit sessions in the country. At the same time I think the establishment of petit sessions has certainly considerably contributed to general good-will in the country, and to the arrangement of quarrels among the common people, and given general satisfaction. The people come to the petit sessions to refer their little disputes to the magistrates for amicable determination; and the magistrates lend their assistance in such cases, which has a tendency to increase the confidence of the people in their legal decisions; but in general, in the district where I live, we came to a sort of an understanding, that we should never act individually. That arrangement was made with a view to acting judicially, but a magistrate would scarcely refuse to be a friendly arbitrator. The people in my neighbourhood constantly refer their differences to each other, to what they call The saying of two men; and they are apt to be satisfied with those arbitrations. I think the presence of a paid magistrate among the magistrates in general, would meet with great displeasure. It would have the effect of indisposing the unpaid and ordinary magistrates of the country, from giving their attendance at all.

The appointment of an assistant barrister at quarter sessions being a paid magistrate, has not caused any difference with respect to attendance of other magistrates, because the assistant barrister sits besides, to decide civil bill causes; and upon the days upon which assaults and other criminal questions are decided there is always a good attendance of magistrates.

On the revision of the magistracy there were four gentlemen, I think, superseded in the commission of the peace for the county of Meath. Then there are eleven Catholic gentlemen in the commission of the peace.—I believe the total number in the commission are more than fifty; and I think the number of Catholic magistrates in the county, bears a fair

proportion to the Catholic property as compared with the Protestant.

I have never heard of any objection being made in Ireland, to the purchase of lands, upon the ground that the original title of those lands had been forfeited, and patent subsequently granted ; nor ever heard of any disinclination on the part of Catholic purchasers to become possessed of estates so circumstanced ; nor do I believe any such disinclination to exist.

The number of freeholders registered in the county of Meath, is very small indeed compared with the size of the county.

I think the 40s. freehold system is a bad thing for the proprietor of the soil. Why I conceive it to be a bad thing is, a great sub-division of property producing a great many small holdings, and poor tenants, injures the proprietors of the soil. Any objection to an extension of the qualification from 40s. to a higher sum, would depend a great deal upon what the higher sum were fixed at. Supposing that higher sum to be £10. I think it would encroach a good deal upon the principle of popular representation. If the question is directed simply to the interest of the landlord, as between landlord and tenant, whether, in the management of the land, the interest of the landlord would be better secured by a qualification of £10. than, as it is now, a qualification of 40s. ; I should say, that the interest of the landlord would be benefited by having a richer class of tenantry. How such a measure would act upon the interest of the tenant I cannot exactly say. For although the system of dividing holdings into 40s. freeholds has been injurious to the landlord in dividing the land, yet the system of throwing a great number of those small holdings into one large one, for the purpose of making one freehold, would be injurious to those who are now occupiers of the land ; besides, I conceive that the subdivision of land which has been going on in Ireland, promotes, in many respects, the comforts of the tenantry. I believe that in some instances, landlords, for the sake of having a freehold interest, consult the comfort of their tenantry ; but I speak here not of my own knowledge. I think that £5. would not encroach too much upon the political privilege of popular representation ; although I cannot at present say what description of holding, or what amount of rent would leave to the tenant an interest of £5. per annum in his holding.

The size of those holdings, upon which at present the lessees will swear that they have a 40s. interest, as far as my own knowledge goes, is about two acres, with a house ; or from two to four and five acres. That of course must depend upon the rent. Those four acres, with a house, will let from £2. to 50s. per acre ; so that a rent of about £7. or £8. paid to the landlord, will leave a 40s. interest to the lessee.

The land in the county of Meath is very rich ; generally very good ; there are parts of the county very rich, and other

parts where these freeholders are made generally, are not so good; but I do not know any instance of a very large quantity of ground being in the possession of a farmer, who will register a 40s. freehold only.

If I am asked, whether if the qualification for voting was to be made £5. that such change of qualification would be a wise measure for Ireland,—I should say distinctly, that unconnected with what is called the question of Catholic emancipation, it is not politic or wise; but accompanying the grant of the Catholic claims, I think such a change of qualification might be expedient; in fact, I am not quite prepared to answer that question, because my own mind is not quite made upon the subject. If the alteration were proposed without Catholic emancipation, I know it would produce very bad effects; if accompanied with Catholic emancipation, I think it might perhaps be beneficial. The increased qualification, I think, would tend to check the subdivision of land, and the multiplication of paupers; at the same time, instances have occurred, where landlords have been induced to give a good tenure and a house, and have so far benefited their tenantry, by giving them an interest in their farm. The giving that freehold lease, coupled with the same desire of extending a freehold interest, add very much to the system of multiplying small holdings.

There has been a contested election, in the county of Meath, since the union. I do not think there has been one since the elective franchise was granted, in the year 1793; in point of fact, the system of multiplying freeholders, which has prevailed in other parts of Ireland, has not existed to any great extent in the county of Meath, excepting in the boggy districts, where poor people crowd together for the advantage of fuel, which is very scarce in that county.

If I were to venture upon an opinion, as to what impression would be produced upon the minds of those persons, who now are 40s. freeholders, in the event of their being disqualified, in consequence of the raising of the qualification of freeholders to £5. I should say, as I stated before, I think if it was made a part of the question of Catholic emancipation, they would not be so adverse to the measure; but if it were proposed without that measure, I am quite certain their feelings would be hostile to the change.

How far the general class of 40s. freeholders, take pride, or set much value upon the possession of the elective franchise, is a question I can give no very decided answer to.

It is not usual, I believe, in Ireland, for a candidate to canvass the 40s. freeholders of the county; in point of fact, the candidate generally, when a contested election is apprehended, canvasses the great landed proprietors. I never knew an instance of a candidate going about canvassing the 40s. freeholders; but I think those 40s. freeholders attach a good deal.

of value to the circumstance of their being freeholders, and that they may look up to the successful representative for whom they vote, for some little advantage after they have given him their services. Perhaps the proprietor of those votes is more in the habit of looking up to the successful candidate, than the 40s. freeholder himself; but I should think, both landlord and tenant place some value on it. My observations, with regard to the franchise, are applied solely to counties, not to cities and towns.

There is only one town, in the county of Meath, that returns a member; but there other considerable towns besides, which do not return members, which would view the alteration with jealousy. They are chiefly deriving under great landed proprietors; and following the interest of their landlords, in the same manner as other freeholders. I have heard that voters are driven to elections, generally speaking.

Upon the subject of a provision for the Catholic clergy, being made by the state, I have had no communication whatever with any of the Catholic clergy upon the subject, but as far as my own opinion goes, I should think there would be no objection to it, provided it was made a part of or followed Catholic emancipation; nor do I think that any objection would be felt by those holding the Roman Catholic persuasion, after Catholic emancipation. Always speaking of it as connected with Catholic emancipation, I believe the peasantry would have no objection to such a measure.

I am not apprised generally, of the amount of income of the parish clergy of the Catholic church.—I have heard that some parishes produce perhaps 300*l.* a year; but I believe there are very few instances. In my own county, I should think, as the population is not very great, perhaps from 100*l.* to 150*l.* would be a fair average: that is exclusive of the stipend to the curate or coadjutor, as he is called in the Catholic church; who has no sources of income, except what he receives from the parish priest; the curates are very poor. The income of the clergy of some of the parishes in Dublin are very valuable. I have heard some of them are as high as 500*l.* per annum.

Having stated, that I conceive the measure of a provision for the Roman Catholic clergy, would be acceptable to them and to the laity in Ireland, if accompanied with Catholic emancipation; I am equally certain, that unaccompanied with that measure, a provision for the clergy would not meet with such acceptance. Whether the payment of the Roman Catholic clergy by the state, would be followed with an abandonment on their part of the fees they are now in the habit of taking, would depend in a great measure on what the amount of the provision was to be. But I think there would be very great objection on the part of the Catholic body at large in Ireland, to allow the Crown the power of a veto, upon the appointment of the Roman Catholic bishops. And I think the same objection would

extend to the interference of the Crown in the appointment of all the Catholic clergy, with regard to confining the appointment to what is called Domestic nomination, so as to exclude altogether the power of the Pope in originating the nomination.—I am inclined to think that the inferior or second order of clergy would like what is called Domestic nomination, which it is very difficult for a layman to explain, although I have used the term. I confined my opinion respecting the attachment felt to domestic nomination, to the inferior clergy : that is what are called the second order of clergy ; because I know, that in many instances, the superior clergy do not like the popular election which has taken place by the parish priests.

There have been elections by deans and chapters in Ireland, in which the choice originated with them, and has been confirmed by the See at Rome. To that species of domestic nomination my former observation does not apply ; I mean to exclude only the bishops. I mean that the bishops would object to the nomination taking place, not by a dean and chapter, but by popular election. There are dioceses in which there are no dean and chapter, and in that case the election has been a popular election, by the whole body of parish priests and curates. It is to such election, I conceive the superior clergy might feel indisposed. In those cases, where the election was amongst the body of the inferior clergy at large, jealousy sometimes exists between them and the superior order, who claimed a right of postulating a coadjutor bishop, or electing a successor. With respect to the Catholic laity being jealous of the interference of the Pope, in any thing excepting spiritual matters, I am not aware that there has been any interference of the kind to be jealous of. It is a question upon which the people of Ireland think very little ; in point of fact, there is no interference in temporal matters by the Pope that I know of ; nor do the Catholics allow that the Pope has any right to interfere in temporal affairs ; he has no temporal authority in Ireland.

I have acted as a magistrate in the county of Meath, about three years ; as long as my father acted as a magistrate, I never took out a commission of the peace. I have also acted as a grand juror, and cannot say I have ever witnessed, in my county, any unfair prejudice in the administration of justice, as between Catholics and Protestants, in the assize courts and sessions courts.

The juries are composed indiscriminately of Catholics and Protestants ; generally more Protestants than Catholics ; still I know, that when the parties are of different religions, there is a distrust as to the formation of juries. The question has just recalled to my mind an instance, and a trivial one, in fact, but which will show the feeling of the poorer classes upon this point, at the quarter sessions, where there was a policeman to be tried for an assault ; the policeman was a Protestant, the other persons were Catholics ; and it was stated,

and I believed by the Catholic peasantry, that the petit jury were chiefly Protestant. There were two actions ; there was an action of assault brought against the policeman, and a counter action for assault brought by him against the other party. I was told the jury were chiefly Protestant ; but the man was acquitted. The bill, as against the policeman, was ignored by the grand jury ; the bill, as against the other man, was found by the grand jury ; but he was acquitted by the petit jury. Upon the petit jury, I understand, there were one or two Catholics, but I am not certain ; I know it was not *exclusively Protestant* ; and I mention this case merely to show the distrust which the lower orders have in the administration of justice, when the parties are of different religions.

As to the lower classes of Catholics shewing a disposition to apply rather to Catholic magistrates than to Protestants, for redress of injuries they may conceive themselves to have sustained ; I think, in general, they have more confidence when they see both parties united ; and that is one of the great advantages which, I think, has resulted from petty sessions. I certainly think, that the circumstance of the exclusion of Catholics from the office of ~~sheriff~~, tends to cast doubt upon the administration of the law, through the medium of juries, returned by sheriffs so appointed, particularly amongst the lower orders. I think, that as long as Catholics are excluded from the office of sheriff, and thereby prevented from forming juries, the Catholic population will not have the same confidence in the juries that it otherwise would have. Catholics are eligible, I believe, to the office of sub-sheriff, who, in point of fact and in practice, summons all the petit juries, and Catholics do serve upon the petit juries. The sub-sheriff, where he does interfere in summoning juries, is only a ministerial officer acting under the authority of the high sheriff; and so long as the high sheriff is necessarily a Protestant I conceive that some degree of distrust must exist with regard to juries, even though they are appointed through the medium of a Catholic sub-sheriff; generally speaking, there is a very fair representation of the Catholic property upon the grand juries in the county of Meath ; and I believe that extends to the petit juries. In point of number, there is generally a majority of Catholics upon the petit juries in the county of Meath. I believe, last year, the sub-sheriff had been a Catholic, but I have no knowledge of it. So that, in point of fact, where the usage may have been to appoint indiscriminately a Catholic or a Protestant, it has not been considered at all material, or of any consequence to inquire, what the profession of faith of the officer was.

End of the First Report.

S.R. 1825

A

D I G E S T
OF THE
Evidence
IN
THE SECOND REPORT
OF THE
SELECT COMMITTEE
ON THE
STATE OF IRELAND;
BY GEORGE WHITE,
Clerk to the Committee,

And Parliamentary Agent for conducting Private Bills.

LONDON:

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1825.

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A
D I G E S T
OF
T H E E V I D E N C E
CONTAINED IN THE
SECOND REPORT FROM THE SELECT COMMITTEE,
ON THE
S T A T E O F I R E L A N D .

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The Right Reverend *James Doyle*, D.D. Titular Bishop of Kildare and Leighlin, Examined.

ACCORDING to the principles which govern the Roman Catholic church in Ireland, the Pope has authority to issue commands, ordinances, or injunctions, general or special, without the consent of the King.

The orders which he has a right to issue, must regard things that are of a spiritual nature; and when his commands regard such things, the clergy are bound to obey them; but were he to issue commands regarding things not spiritual, the clergy are not in anywise bound to obey them. There have been periods in history when there might have been cases of such an intermixture of spiritual and temporal power, that it was very difficult to know where the spiritual power ended, and the temporal power began; but I conceive, that at present, and even for some centuries past, the limits between the temporal and spiritual things, which such commands of the Pope might affect, are so well ascertained, that no mistake could, morally speaking, possibly at present occur. And moreover, I will say, that even in spiritual matters, the authority of the Pope is limited by decrees of councils already passed; it is limited by usage, also, in this respect, that when he directs any decree respecting local discipline to any nation whatsoever, beyond the limits of his own territory, (I mean, by his own territory, what is called the Patrimony of St. Peter, or the Papal States,) the assent of the bishops of such country is necessary, in order that his decree have effect. For instance, it would be possible, according to the discipline of the Roman Catholic church, to hold a council in Ireland, without the consent or the knowledge of the Pope; but such decrees of that council, if it were a national, or even a provincial one, as would regard faith or church discipline, would not have force, unless they were approved of or sanctioned, after being passed here, by the Pope; but every bishop, within his own diocese, has the power of holding a diocesan synod or council, the decrees of

which have force, *independent of the Pope, and without his being made acquainted with them.*

In the event of what is generally called Catholic Emancipation being granted, and an incorporation of the Catholics with the government of the country, we would not recognize an authority in any *lay person whatsoever*, to convene a council, or to order one to be held, unless he do so at the desire of, or in conjunction with the ecclesiastical authority. Were His present Majesty to wish that a council were held, and to signify such His Majesty's pleasure to the Catholic bishops in Ireland, in such case, I have no doubt but they might hold, and even would hold, such council. And that such council, according to the laws of the Roman Catholic church, would not be absolutely illegal, without the consent of the Pope; but the decrees of such council would have no validity, unless they were approved of and sanctioned by the Pope; however, the holding of such council would be perfectly legal. The Committee are not to understand, by what I have said, that *we would recognise in His MAJESTY a right to convene such council, or to order it to be held*; but only, that *we, as subjects obedient to his Majesty, and willing, in all things lawful, to conform to His Majesty's will, that we would, upon an intimation made to us, cheerfully hold a council, and deliberate upon any matter which he would submit to our consideration.*

Supposing there was a representative of the Pope in this country, so far from the Roman Catholic clergy having any objection to allow the power of such representative to be strictly defined, they would most anxiously desire that his power should be strictly defined; and there is no class of persons within the kingdom who would profit so much from that specific definition of his power, as the Catholic bishops.

As to there being any objection to allow the King of Great Britain the power of refusing any representative from the Pope to reside in these kingdoms, His Majesty is prevented, as I conceive the law now to stand, from holding any communication with the Pope, or permitting any envoy or nuncio of the Pope to reside within these kingdoms. Even supposing the law was to be altered, I cannot see how we could have any objection to it, because if such a person was resident in the country, the ordinary business which we now transact at Rome could be transacted with him; and if he were to be removed from the country, or not permitted to come into it, we should only continue to communicate with Rome, in the same manner as we now do.

If I am asked, whether there would be any objection, on the part of the Roman Catholic clergy, for the legislature to demand from the legate, before he is allowed to exercise his functions, a solemn written promise, not to attempt any thing against the laws of the kingdom, or to continue in England or

Ireland beyond the pleasure of the King, or of the privy council.—To the first part of that question I should say, so far from having any objection to it, we should be glad that such a demand were made of him. As to the second part, it is a matter about which we should not, properly speaking, form any opinion. Whether the King were to have such a right or not, is a matter about which, I think, we need not in any way be consulted; it would rest between His Majesty and the court of Rome, and we would, as I conceive, have nothing to do with it; but as to the requiring a *pledge by oath, or otherwise*, from the nuncio who might be placed in this country, that *he would not in anywise interfere with the temporal or civil concerns either of His Majesty, or of His Majesty's subjects, so far from having an objection to that, we should rejoice at it*, because we would not wish that he should so interfere in any way. We would also be glad that such a declaration were made by him, because that would go far to satisfy the minds of those who differ from us in religion, as to the sentiments which we entertain with regard to the Pope, or his envoys.

And so far from the supposed opinion, that the court of Rome, can, of its own mere volition, give orders for levying tithes, taxes, impositions, alms, contributions, or any money for bulls of pardon or indulgences, upon the Catholic people of Ireland, I state distinctly, that the Pope has no power in any shape or form, or for any purpose whatever, or under any pretence or pretext, or in lieu of any bull, receipt or indulgence, or permission, or manner of writing, or otherwise, which he may issue, or which he may direct here, to levy or require from the subjects of this realm any money whatever, or any equivalent for money. Neither is it in the power of the Pope to absolve the Catholic people from their oaths of allegiance; or to deprive His Majesty the King of his kingdom. Nor could any admonition, or excommunication, or interdiction by the Pope, excuse the temporal obedience of the CATHOLIC LAITY or CATHOLIC CLERGY to the King. Moreover, the Pope could not either molest or excommunicate a Roman Catholic holding an office under the Crown, (supposing, for instance, the law allowed him to be a judge,) for performing the duties of that office, even though a sentence pronounced by him might trench upon the supposed supremacy of the Pope, in SPIRITUAL MATTERS.

In matters concerning marriages, in the discipline of the Catholic church, the Council of Trent has limited the degrees of consanguinity and affinity within which marriages might not be lawfully contracted; for, by the Council of Lateran, held some centuries before, degrees of kindred within which marriages could not be contracted, were extended much more than they are at present. Now we recognize the Pope as the executive power in the Catholic church; and he is, on .

that account, enabled to execute the laws of general councils. Now the Council of Trent has decreed, that marriages cannot validly be contracted within certain degrees of kindred; and the Pope, upon a sufficient cause being shewn, and *not without it*, has power to dispense in those degrees of kindred, and permit the marriage to take place. A bishop even, independent of the Pope, has, by ancient usage, a right to dispense, in certain circumstances, with many such impediments as those to which I allude.

Suppose parties have had recourse to the spiritual courts for those dispensations, we repute the issue of such marriages legitimate according to law, and we recognize such issue as the rightful possessors or inheritors of property, but we do not look upon them as legitimate in the ecclesiastical sense; for instance, a son born of such marriage we could not ordain as priest, or consecrate as bishop; but the son of such marriage we would recognize, and it would be our duty so to do, as the legal inheritor of his father's title or estate. There are no other disabilities that occur to me. The Pope, as well as the bishops, has the power of legitimising persons who must be considered as bastards in the ecclesiastical sense, in certain cases defined by law, which are very numerous. By law I mean ecclesiastical law.

I know of no jurisdiction, according to the discipline of the Roman Catholic church in Ireland, allowed to the Pope with respect to adultery, or perjury; unless that which every bishop has, namely, a power of excommunicating a person notoriously guilty of it. The cognizance of all those matters, it is presumed, belongs to the civil courts. And there can be no appeal from the decision of the civil courts to the Pope, in cases of adultery or marriage. At present a foreigner can be appointed to any benefice in Ireland. The *right* of presenting to all the sees in Ireland was vested, by usage or by law, I do not know which, in the STUART family, previous to their being expelled from these countries; and whilst a descendant of that family resided at Rome, he was accustomed to recommend to the Irish Catholic sees; from the death of the late PRETENDER till the present time, the right of appointment to bishoprics in Ireland, has *vested solely and exclusively in the Pope*; but, from that period until the present, he has not in any one instance that has come to my knowledge, (and I have made very diligent enquiries upon the subject,) appointed any person, unless such as had been previously recommended to him by some person or persons in this country, (Ireland.) The persons who so recommend generally, are the chapter, and where there is no chapter existing, the parochial clergy of the diocese, and the metropolitan or suffragan bishops who are of the province where the see happens to be vacant.

The Pope can incorporate bishoprics in Ireland, without

any reference to any authority here; but it would, on his part, be a *stretch of power*, against which, were it not done at our desire, *we would remonstrate, and it could take effect*; but the *naked power* is in him; the *exercise* of that power, however, is another thing, for it would regard the discipline of our church, and upon that, if he attempted to do any thing that did not meet with *our full approbation*, we should oppose to him what I might call *here a constitutional resistance*; and *he could not easily carry it into effect against our will.*

With regard to the union or division of ecclesiastical livings here, the right of the Pope regards dioceses only, for the union or division of parishes is a right vested by law in the bishops. If there be any dispute respecting the limits of a parish, the first appeal is to the bishop. Then there is an appeal from his decision to the Metropolitan, and from him to the Pope; but in those matters, appeals are seldom or never made, and if made, not countenanced, for they are only what we call the *causes maiores* that are referred to Rome, or about which appeals are properly made to Rome. And in such cases the Pope may summon the attendance of any witnesses; but to enforce their attendance is another thing; the practice of the court of Rome in such cases, when testimony is required, always is, to appoint a commission here to take evidence, and to transmit the evidence to Rome.

How far the Pope, or his legate, can grant a dispensation to a graduate at any university,—at Maynooth for instance, or at any other college, to take his degree at an earlier period than the common forms of the university allow, I do not know; I think the granting degrees, is a privilege generally derived from the King, and not from the Pope, outside the territories of the Pope himself; he has granted to religious orders the power of granting what we call a degree of master in theology, a rank which is equal to that of doctor for instance; but except this, I have known of no case where the Pope has, for the last *four centuries*, granted to any corporation or individual a power to confer degrees, so that the exercise of that right on the part of the Pope, is, in some measure, *obsolete*; and I can scarcely inform the Committee, what he can or cannot do upon the subject, at present; but I can with great safety say, that the Pope is *not disposed to revive a practice which probably he could not, were he so disposed, bring into use.* Nor do I apprehend, in the case of Catholic emancipation being granted, and the Catholics being thereby placed on the same footing with Protestants, as regards civil rights in Ireland, that that would make any difference in the ecclesiastical state of Ireland.

There is a material difference between a missionary country, and one governed by a regularly constituted hierarchy; our church in Ireland is of the latter description, and not of the former; but our business with Rome, for the sake of conve-

nience and dispatch, is transacted through the congregation *De propaganda Fide*, which watches over the missionary countries and their interests ; but except that our business is so transacted, and Ireland thereby treated like a missionary country, I see no reason why it should be so considered either at Rome, or by ourselves. We, in a word, do not consider our country as a missionary country, such, for instance, as England is, for we have a regularly constituted church.—Therefore it is not at all upon the ground of those transactions going on, as if Ireland was a missionary country, that the Pope has the nomination of the bishops in Ireland ; it is because the right of presenting was vested in a family which is extinct, and then the Pope, as the supreme head of the church, took to himself this right, which was, as it were, in abeyance, and acts upon it in the appointment of bishops, since the extinction of that family ; for *we do not*, and *cannot recognize* in a prince, or in any number of persons professing a religion different from our own, a right to present to ecclesiastical benefices, if you call them so, or to offices having attached to them the care of souls. But in case of Catholic emancipation being granted, the Irish clergy would be extremely glad and ready to promote any arrangement being made with the court of Rome, by which the nomination to the benefices in Ireland might become purely domestic ; *provided* that such domestic appointment did *not* exclude, what we consider as essential to our Catholicism, namely, the *right of the Pope to give institution to our bishops*, as he does for instance in France, to the Catholic bishops there.

As to the question, whether the Catholic clergy feel any objection to an arrangement being made, by which they might receive a salary for the performance of their ecclesiastical duties, is what I cannot take upon myself to answer. I could not make known to the Committee, the sentiments of the clergy as a body, or even of many of them as individuals ; but I can tell what I think myself upon the subject : I should be adverse to the receiving of any emolument or compensation whatever from the Crown ; and I should prefer receiving the slender support which I receive at present from the people whom I serve ; but if his Majesty's government, or those through whose favourable exertions the Bill for our emancipation might be carried forward, were to *require*, as a *condition*, that I would receive such bounty as His Majesty might be pleased graciously to confer upon me, I should not refuse it if such refusal would be an obstacle to the passing of such Bill ; but were I to choose for myself, I should prefer not receiving it. I would beg also to give the Committee to understand, that I *would not, for any consideration whatever, receive a stipend or a means of support, which it would be in the power of His Majesty's government to give or withhold.* If I were to re-

ceive anything, I should expect it would be given, and that I would have a right to receive it, as long as I comported myself loyally and peaceably as it becomes a subject.

When I say loyally, and in proper obedience to the laws, the Committee will conclude I mean, unless I were convicted by some legal court of misconduct.

I have stated, that the power of appointing to bishoprics in Ireland, resided in the Stuart family; that power came to the Stuart family, in the same manner as in most of the other royal families of Europe. Originally in the Catholic church, bishops were elected by the people and clergy conjointly; afterwards those assemblies became scenes of riot and tumult, and the right of election was confined to the clergy alone; the clergy then being a numerous body, intrigues and cabals, and those other faults which human nature is liable to in every class and description of men, produced much evil, and hence, the election of bishops was confined to chapters; those *chapters* in time also became seats of *intrigue*, and *kings* were anxious to get into *their own hands the patronage of the church*: hence they entered into treaties or concordats generally throughout Europe with the Pope, that they should have a right of sending *a conge d'elire* to chapters, recommending a certain person to them to be elected by them, and they the sovereigns agreed at the same time with the Pope that he should give institution to such person, he being fit and proper, as the chapter had elected, upon the royal recommendation. An arrangement of this, or of a similar nature, exists in almost every country in Europe; and it existed in Ireland in the time of the Stuarts and Tudors.

But the Catholic clergy in Ireland, never recognize that right in any Protestant sovereign whatever, in point of fact it was only recognized in the person of James the Second,—of all the Stuarts.

It is a right like all others; whether we call it a right derived from the *law*, or a right derived from *usage* or *compact*, which ceases by *disuse*; and if by a supposition, which is merely possible, the king upon the throne were to be a Catholic, I do not think, that thereby this *right*, formerly residing in his *predecessors* being *Catholics*, would *accrue to him*; I think it has been *lost by disuse*, but it is a *right*, however, which a Catholic sovereign could easily obtain, by *treaty with the Pope*.

The right of appointing to the Roman Catholic bishoprics of Ireland, I think was exercised by James the Second, and also by Mary, previous to the accession of the Stuarts. I cannot state the instances, because I refer to the history of the church, at that particular period; and without doing so, I might fall into an error; but I am quite confident the right resided in him, and I should have no hesitation in saying.

that it was exercised by him in more instances than one, during the entire of his reign. From the period of his accession till the time of his expulsion from Ireland.

At the time he was head of the church of England, he might also have had a right to present to the sees of the church in Ireland; but he would not become the head of our church, by having a right to direct the chapter to elect a certain individual to be instituted as bishop by the Pope, and moreover, not only himself, but his son after his abdication, exercised practically that right, which the Catholic church still admitted to reside in him, and recommended whilst in France, individuals to the Pope, which individuals were appointed to bishoprics in Ireland; I could name, but I should rather not, unless the Committee required it, the last bishop who was appointed by the Pope to a see in Ireland, at the express recommendation of the late Pretender. In making any arrangement for domestic appointment, I would contemplate such election to be made by a certain portion of the clergy of the diocese in which such vacancy occurred; but I would also require the concurrence of the metropolitan and suffragan bishops of the province in which the vacancy happened to exist. I would beg to explain myself; I fear I cannot do it as satisfactorily as I could wish. I would not like that the election to a vacant see should rest with the metropolitan and the suffragan bishops of the diocese alone, nor would I like that it should be vested in the clergy of the vacant diocese, to the exclusion of the metropolitan and the suffragan bishops; but I would desire that such election should originate with a certain class of the clergy of the vacant diocese, and that before it would be sent forward to the court of Rome, that the metropolitan and suffragan bishops should have concurrence in it in a certain way.

It might likewise be advisable, under that arrangement, to retain the office of coadjutor to the bishop, if, by the arrangement, the coadjutor should be elected in the same manner as the bishop, on the vacancy of the see. In which case he would succeed to the vacant prelacy, upon the demise of the principal, *as a matter of right*, because the bull of his appointment to his coadjutorship would go, "We appoint you bishop of such a place in *partibus*," as we call it (that is in some country where christianity formerly flourished, but where infidelity now prevails) *cum jure successionis*; so that his election to the coadjutorship would secure to him the succession, upon the demise of the person to whom he would be appointed coadjutor. The coadjutors at present are bishops in *partibus fidelium*, but with the right of succession.

Supposing after the election of a coadjutor, it should so happen, in some individual case, that the coadjutor should misconduct himself, and that to such a degree, that in the

opinion of the original electors he should be unfit for the prelacy, his right of succession would still be absolute, and without any controul on their part; but if he committed a canonical fault, he could be tried for it, and be removed from his right of succession, as he could be removed from his see.

The trial of a bishop is one of the *causæ maiores* mentioned in the Council of Sardis, and should be referred to the see of Rome. That council was held some thirty or more years after the first Council of Nice, and it decreed that the *causæ maiores* should not be definitively settled without the concurrence of the Pope, whenever such concurrence was thought necessary by any of the parties who happened to be aggrieved; those *causæ maiores* included cases where the faith was concerned or heresy broached, and also criminal accusations of bishops; so that when a bishop is accused of any crime, in the first case, if he be a suffragan, the charge can be preferred before his metropolitan; he can appeal from the metropolitan, formerly he could make such appeal to the provincial council, but as now provincial councils are seldom or never held, he can appeal from the metropolitan directly to the Pope; and that usage has visited in the Catholic church from the beginning, and was decreed at Sardis, a little afier the middle of the fourth century, and still holds good, and the evidence by which the person in that situation would be affected, would be remitted from Ireland to Rome, and taken upon oath.

And supposing a party summoned before the tribunal of the first instance, if it may be so called, in Ireland, refused to take an oath, we have no remedy, we are obliged to call in a magistrate, and request of him to administer an oath to the witness whom we wish to examine, and when he has done so, the witness is interrogated either through the magistrate, or by one of us.

Supposing the witness were a member of the Roman Catholic church, I cannot say he would be subjected to any ecclesiastical censure, for demurring to the jurisdiction of the court; but there is some remedy, whereby a witness can be obliged to give testimony in a bishop's court, what it is, as settled by the law and usage of the Catholic church, I do not at present recollect.

Before any arrangement, which provided for the domestic appointment of the Roman Catholic prelates in Ireland, could be carried into full effect, the consent of the see of Rome would be necessary; because the see of Rome at present has the right to appoint, and any modification of that right could not of course be made, without the concurrence of the see of Rome. At the same time the Roman Catholic priests of Ireland have it in their power to give a conditional consent to such an arrangement; the condition being, that the consent of the see of Rome should be subsequently obtained.

The domestic arrangement would be one whereby the Pope would bind himself through a treaty, to give institution to such fit person as would be canonically elected by the persons named in such treaty. Suppose there was a concordat, enabling certain persons in Ireland to elect a bishop to a vacant see, the Pope by agreeing to such concordat, engages to give institution to all persons who may hereafter be elected by such electors as are therein defined, provided the person elected possesses the necessary qualifications for a bishop, and be duly elected. I should not think the consent of the Pope absolutely necessary before any arrangement was made for a payment by the state, of the Roman Catholic prelates and priesthood, for that is a matter of discipline with which he has nothing to do; we *can receive our support from any one that gives it to us*, and of course we could receive it from his Majesty out of the goods of the state. Even supposing the receipt of a provision from the state, were accompanied, as it must be, by an abandonment of any claim upon the parishioners, it would be possible to abandon that claim upon the parishioners, without the consent of the Pope.

But there are offerings made at marriages, baptisms, and at the burial of the dead, which are a usage of the church so ancient, that I do think the clergy would not resign them; those at present are much higher than they need be, and though they are called voluntary, they are not, strictly speaking so; those however, are not the only or the principal dues or contributions by which the clergy are supported, there are other contributions given individually by the parishioners, which constitute the chief support of the priesthood. The contributions of this latter kind could be given up by the clergy, without consulting any one, and even the voluntary oblations at marriages and baptisms could, in my opinion, be relinquished by them; but those latter, I think they would not relinquish, because they are as *old almost as Christianity itself*, and they *exist in every church of whatsoever kind*, in every nation with which I happen to be acquainted. But the other dues, the individual contributions from the parishioners at stated times of the year, could be given up, it would be desirable that they should be given up, and the clergy might give them up without any reference or communication whatever upon the subject, with Rome.

I do not think it would be desirable, in any event, to remit fees upon the performance of the rites of the church,—upon baptisms, marriages, and the burial of the dead. I would retain them, because they are a universal custom; and I do not see why our church should be the only one in the world that would give up trifling contributions, which are given in every other church throughout Christendom.

Those contributions, of which I last spoke, are regulated

chiefly by usage; they are sometimes defined by a statute made by the bishop; for instance, in the diocese in which I reside, I found those contributions existing generally; but there was no uniform rule, whereby they could be regulated; and I thought it better for the poor, and also I thought I should best consult for the character and interest of the clergy by reducing them in some degree, to rule; I therefore regulated what they should be in most cases, and the manner in which they should be collected; in order also to prevent any thing like harsh treatment of the poor by the clergy, I prohibited, under pain of suspension, any clergyman from withholding his ministry from any person, rich or poor, on account of dues or emoluments; so that the office of the priest must first be discharged, and then the individual gives what is prescribed by usage, or by the letter of the statute.

The payment in all the parishes in the diocese, of which I am the Roman Catholic prelate, is uniform; when I say uniform, I should say there is a kind of scale, because the poor man pays nothing, the man in better circumstances pays something, and the man whose condition is still more improved, gives a little more.

If temporalities (by which is meant a pecuniary provision payable by the Crown) were attached to Roman Catholic sees, and to Roman Catholic parishes in Ireland, it would be inconsistent with the doctrine or discipline of the Roman Catholic church, to admit any interference on the part of the Protestant sovereign of this country in the appointments. That arrangement, would in my opinion, be inconsistent with the discipline of the Roman Catholic church, even if it had the sanction of the Pope. I think he would not sanction it; but were he to do so, we should not agree to it; *for my part, I would not: I should resign the office that I hold, rather than assent to such a thing; I would first remonstrate against it, I would remonstrate a second time against it, and if this were not sufficient to ward it off, I should certainly resign my office; and I hope there is not a bishop in Ireland who would not do the same.*

I am aware, that arrangements of that nature, in cases where there are temporalities attached to preferments in the Roman Catholic church, but where the sovereign is not a member of that church, are admitted in some countries in Europe, though I do not know the nature of them exactly; I know there are some arrangements that seem to be of that kind, which have been lately entered into between the Pope and the Emperor of Russia, and also between the Pope and the King of Prussia, and I believe between the Pope and some of the lesser States in Germany, being Protestant; and also that there has been a treaty carried on for some time, between the Pope and the King of the Netherlands, having for its ob-

ject such an arrangement as has been mentioned; but such treaty I believe at present is suspended, if not entirely broken off. I am not acquainted with the circumstances of the Russian empire, nor with those of the kingdom of Prussia, and therefore I can give no information as to the conduct of the Pope, in entering into such arrangement; *but knowing the state of my own country, and having the religious feelings that I have, though such an arrangement were to be considered practicable by the Pope, and even wise, I should find it my duty, as an individual, to act as I have mentioned.*

Were the sovereign of this realm a Catholic, I should be very averse to his having the appointment of bishops vested in him; but his being of a different religion, makes me think that I could not consistently at all, with the principles of my religion, consent to his having any right to interfere directly or indirectly with the appointment of bishops.

When I am asked to explain the state of the law of the Roman Catholic church in Ireland with respect to marriages; marriages have so many relations, that I cannot tell in what sense I am to answer that question. We have no authority whatever to dissolve a marriage; once validly contracted, we recognize in no power ON EARTH, *Pope or Council*, or the Church collective, any authority whatever, or power to dissolve a *marriage*. In case of adultery, every bishop has the power, upon adultery being proved, to order a separation, *quoad thorum et habitationem*; but we neither have ourselves, nor do we recognize in the Pope, any power to dissolve a marriage, *quoad vinculum*; that is, the bond of marriage, according to our belief, is indissoluble; that is, it would be impossible, under any circumstances, for one of the parties to make a second valid marriage, the other party being still living. There is no power in the Pope to dispense with a law of God or of nature; and we consider that the law of God renders marriage indissoluble. The Greek church, and the Church of England, hold that marriage can be dissolved when one of the parties commits adultery; but the Catholic church holds that marriage, even by adultery, cannot be dissolved.

I might here, perhaps, be allowed to explain to the Committee how far the Bill, which is quite familiar by the name of the Burial Bill, which passed last session, has been carried into effect in the diocese where I live. There has not been leave sought for from the Protestant rector, to have the funeral rites performed, except in one instance, and there the permission was applied for by the father of the deceased, which father happened to be a Protestant; but no Catholic clergyman, in the diocese where I live, has at any time applied to a Protestant rector for the permission, which the Act requires that he should apply for; and therefore I may say that the bill has not, in any one instance in that diocese, had effect,

There is very strong objection, on the part of Roman Catholic priests, to make that application to Protestant rectors, because the Catholic priest conceives, that upon giving notice to the sexton or person having charge of the burial ground, that a corpse was to be interred, he ought to have a right to go there and perform such service ; and he does consider, that his being obliged to make application for leave to the Protestant rector to perform the funeral service, and to have the Protestant rector fix the time when such service can be performed, to be an act of submission on his part from which his feelings recoil. The Act, however, I think, might very easily be so amended as to meet the views of all parties. At present we do not perform any burial-service in the burial-place. The service for the dead we perform in the chapel, or sometimes in the house of the deceased, and then the corpse is taken to the burial-ground, and interred WITHOUT ANY CEREMONY. However, when the grave is about to be closed, if there be a clergyman present, he recites a short psalm, with a prayer ; and if there be no clergyman present, one of the laity does this. We do not now, nor did we at any time, perform the burial-service ; it is merely a common prayer that we recite. I do not conceive the right to perform the burial-service in the church-yard, and the right to perform the marriage-service in the church, stand upon the same footing. Our marriages in Ireland need not be performed in the church by a Protestant clergyman ; we can perform them when and where we please. Therefore with us, in our common ideas, the one thing and the other are not naturally joined together, nor do we naturally make a comparison between them ; but we do conceive that the rector of the parish has a just and reasonable right to his church, and that he can exclude from it, or admit into it, such persons only as he thinks proper, *except such as have an established right to go there* ; but we conceive that every CHRISTIAN in the parish has a right to be buried in the parish church-yard ; and we conceive, that as the friends of the deceased have a right to inter his corpse there, that they should also have a right to perform, either by themselves or their clergyman, such funeral rites as their faith would approve of. It is very true, that I have the power, as a Roman Catholic prelate, to consecrate any ground for the purpose of burial, and have exercised it in many instances ; however, I should rather much that the Funeral-service Bill were so mitigated as to meet our views, that a new line of distinction, as it were, might not be drawn between Protestants and Catholics ; for, though I have consecrated some church-yards, *I always did so with reluctance and pain*, because I thought I was thereby keeping open the separation, which was too wide, between men whom I would be most anxious to see united, both whilst living, and even after death. I have not found that there was

a greater disposition on the part of the Catholic inhabitants to bury their dead in the church-yard of the parish church, even though they could not have the advantage of the religious service of the church there, than to avail themselves of the consecrated ground. They have a strong partiality for burying their dead in the place where their ancestors also lie; but, as in our church there is a practice of praying for the dead, and as our newly-consecrated grounds are always adjoining chapels, people find a consolation in burying their dead in them, because when they go to assist at mass, they can also pray for the souls of their friends who are interred thereabouts; so that one feeling as it were counteracts the other, and you scarcely know which the people would prefer.

I have before stated, that I thought the Burial Bill might be modified so as to meet the views of both parties; and with the leave of the Committee I will state how at present we are required by the Burial Bill to obtain from the rector permission to have the burial service performed, and he is to fix the time when it is to be performed; this is attended with great inconvenience; in the first place the clergyman might not be at home, or if at home, he might not be prepared to give an answer; and in the second place, if he were not an agreeable man, (*and unhappily in Ireland individuals of every class and persuasion are sometimes in ill humour with each other*), he might fix a time which would be very inconvenient. All this could be remedied, if we were entitled by law to bury our dead in the church-yard, by giving notice to the sexton or person having the care of the church-yard, suppose twelve hours, or any reasonable time before the interment. It might also be enacted, that we should not bury our dead there during the time of divine service, or for some time before it or after it; that simple regulation would make the Bill, in my opinion *perfectly acceptable to the Catholics*; nor do I think it would trench in any way upon the *rights or prerogatives or honours of the Protestant clergy*. I would not be disposed to leave a Negative to the Protestant rector; because I conceive all the parishioners have a *right to be interred in their parish church-yard*. It was the practice in Ireland, for the funeral of a Roman Catholic, even of the lowest class, to be attended by a very great number of his relatives and friends; at present the people are throwing aside some of their ancient usages, and, amongst the rest, that of attending wakes and funerals in great numbers, though the attendance is still considerable.

Although I would not be disposed to leave any Negative to the clergyman, as a matter of right, to refuse permission to perform the service of the Catholic church in the church-yard, still as I before said, I would have no objection to leave him a negative *in point of time*, seeing that two burial services, one Protestant and the other Catholic, might come at the same

moment ; or there might be some other good reason why the service should not be performed at the time demanded, provided he expressed a cause ; because then it would appear, that the right was not resorted to through a motive of causing inconvenience, but through one of real necessity. But as I conceive a right to exist on the part of the parishioners of being buried there, when this *right is to be at all limited*, I should like, that the reason why it would be so limited, were clearly expressed by the person putting the limitation. On the part of the Irish peasantry, there is a strong attachment in the minds of many Roman Catholics, to particular burial grounds; but I think, in general, those are not burial grounds attached to churches where service is actually performed.

I have not heard that in any one case the Catholic clergy, in other parts of Ireland were not satisfied with performing the burial service in their own chapel, or in the house of the deceased ; and wherever impediments were thrown in their way, or confusion created, it was upon their reciting the prayers that I mentioned before, at the time of the interment, and not upon their attempting to perform the burial service, which I believe truly they do not attempt to perform in any part of Ireland.

On those occasions, the Catholic clergy wear no kind of vestments, or clerical dress ; they appear in short clothes, such as I now wear, or in clothes very like to them. When we do perform the funeral service according to the rite of our own church, we (that is clergymen), wear a black sutan, with a white surplice over it, and over that a stole. Nor have I ever heard of any instance, where the clergy have claimed a right of entering the church, for the celebration of a funeral, or, in instances where the corpse of a Catholic was to be interred within the church, in a vault for instance, or within the church, as is the case with many families where the Catholic clergyman has claimed a right of reciting the psalm or hymn, according to the usage of his own church, within the church, or where the time of the celebration of divine service, according to the Protestant rite, has been chosen as the time also for a celebration of a Catholic funeral in the church-yard.

In case of a Bill of Divorce passing, to enable a Catholic to marry again, I would consider it as valid, according to the law of the country ; and I would consider the issue of such marriage as entitled to such property as might devolve upon them ; and I would do all in my power, as a clergyman, to preserve such rights to them ; but I would not consider the children of such marriage legitimate in the ecclesiastical sense.

In case an arrangement were made by the government, for paying Stipends to the Catholic clergy, on the understanding and the regulations mentioned by me in a former answer,—

think the prelates might be called on or invited to make such regulations for their clergy, as would prevent the latter from collecting or requiring, or receiving such contributions as have been mentioned, always excepting burial fees, offerings at baptisms and marriages, because the Catholic prelates will have it in their power to make it obligatory on their clergy not to require, and even not to receive such contributions; but I can also add, that if the Catholic prelates neglected to make such regulations, the people, seeing that the clergy had a sufficient maintenance without their contributions, would withhold such contributions from them, not universally but generally. I cannot say how far the whole of the Catholic prelates would think it right to make such a regulation. I can only speak for myself; I would think it right to do so, and I would do so. At the same time I do not think that, in the eye of the Roman Catholic church, it would be competent to the legislature to enact, that no such offerings should be made.

This is a question of church discipline, which I think ought to be reserved for the prelates of Ireland.

I mentioned, when before spoken to of the stipend, that (I spoke only as an individual), I myself would not receive any stipend whatever, unless it was secured to me by law; I would think it therefore a matter of regulation which ought not to be made by law, but which ought to be made through the other medium I have been just speaking of.

It might be allowed that an information might be laid before the usual courts of law, of such offerings being received by any Catholic clergyman, and on such charge being proved, that the stipend should be withheld; but I think it would not be a good way of proceeding in the matter, because the other mode is very simple, and would be very effectual.

It is difficult to say whether the dues on baptisms, marriages, and funerals, in their amount, are voluntary or otherwise; there is almost in every diocese in Ireland, a sum fixed more by usage than by a positive regulation; as to the sum to be paid when a marriage is celebrated, a pauper pays nothing at all; a person in little better circumstances pays, for instance, 5s.; one a little more advanced in circumstances, may pay 10s. very often 16s. 3d. sometimes a guinea; I do not know that in any diocese in Ireland, any person, of whatsoever rank he may be, whether rich or poor, can be obliged, by usage, to pay more than a guinea; but it often happens that an opulent person being married, gives more than that to the priest; or he can withhold all, if he pleases.

The income of a Catholic priest is derived from contributions by individuals residing within his parish, at particular stated seasons of the year, twice in the year.

The sum at each period is not defined; take for instance, the head of a family who is a farmer, suppose, and whose fa-

mily may consist of six or eight persons, all of whom are to be attended by the priest, such farmer pays an English shilling, which is thirteen-pence in Ireland; sometimes he gives two shillings, and if he be a person in better circumstances, that is, wealthier and more substantial, he may give 10s. about Christmas, and 10s. also at Easter; there are very few who give more.

The Catholic prelates are paid by holding one parish, sometimes two; and *we employ clergymen to perform the ordinary duties in those, we ourselves labouring to assist them as much as we can.* Besides that, we receive from each clergyman in the diocese, once a year, a certain contribution; for instance, I hold parishes, one in Carlow, and the other in Tullow, in the county of Carlow; *I keep three curates employed in each of those parishes, whom I am obliged to pay,* and the little that remains after they are supported, I receive myself; in addition to that at Easter or thereabout, I receive from each of the parish priests in the diocese, I think about three guineas, and from each of the curates about one, *and the sum total of my income derived from those sources is generally between 450l. and 500l. a year;* at the same time, I may be permitted to state to the Committee, that the income of a bishop is charged with very heavy incumbrances, considering its quantity, for *I am obliged to contribute to every charitable institution, to assist in the erection and supporting of schools, to feed a considerable number of the poor, and in fact, if it were not for some help which I occasionally receive from friends, I could not afford to keep a house or a servant;* however, there are a greater number of poor living about me than about most others, and my income is not so considerable as that of many other bishops in the kingdom.

The same mode of paying the bishops I believe is adopted in nearly all parts of Ireland, except that in some dioceses, particularly in the south of Ireland, the bishops receive something like a contribution from the priest, out of the fees he receives at marriages; there is no such usage, however, in the diocese where I live, or in that of Dublin or Ossory.

I believe the amount of fees paid on marriages, in the other dioceses, as far as I am informed, is the same as that which prevails in my own; but in the dioceses in the south of Ireland, besides the marriage fees, there is a usage of what they call A Wedding Cake. The nature of this usage is, that a cake is distributed in small pieces amongst the people who assist at the wedding, and each person makes an offering when he receives the cake: this sometimes amounts to a considerable sum, at other times it is very trivial; but we have no such thing among us, excepting a few parishes; it is chiefly confined to the south of Ireland, but where it prevails, it is a source of very considerable emolument. I have heard that in

many instances the amount is very considerable. The greatest amount that I have ever heard was 40*l.*

The fees on a burial vary. In some instances there is an office celebrated for the repose of the soul of the deceased, this office in my diocese cannot be celebrated unless at least six clergymen attend, then the parish priest is entitled to get 1*l.* and each of the assistant priests 10*s.*, and if the person be poor only one priest attends to perform the service; at each service he generally gets 10*s.*, and if it be the parish priest half a guinea and sometimes 15*s.*

I conceive the parish priest receives the larger part of his income from the Christmas and Easter fees. I have not calculated the average income of a parish priest in my diocese; but I have classed the parishes, and I have caused a return to be made to me of the income to each; there were some *large parishes* in the diocese, *all of which, except one or two, have become vacant since my appointment, and those I have divided;* there are then at present, I believe, four parishes where the priest's income is about 400*l.* a year; there are, as I recollect, (I may be mistaken) fourteen parishes where the parish priest's income exceeds 200*l.* by something; in all the other parishes of the diocese I think it is less, and may amount to from 100*l.* to 200*l.* There are forty-two parishes in all.

The appointment to a Roman Catholic parish is arranged thus:—When the incumbent dies, the bishop has the power of appointing any priest of the diocese to succeed to him; we have two classes of clergymen, the one are the incumbents or parish priests, and the other the coadjutors or assistant priests; when a parish becomes vacant, if it be a place where we wish a man of experience and information and pious habits of life to reside, and that we have not a person of this description amongst the curates, we take him from some other parish where he has shewn himself to be possessed of those qualities, and we appoint him to the vacant living; but if it be a parish where a person not specially gifted is necessary, we take from amongst the curates some man who has laboured for several years, and whose morals have been good, and who has a capacity for giving instruction in public, and place him there; *but if a curate should at any time have been immoral or not be capable of preaching, we leave him in the rank of Curate all his lifetime.*

Supposing an arrangement were made for the payment, by the State, of the Roman Catholic Priesthood, it would probably be desirable to have a gradation of salary; but I think that gradation should not so much be made according to the extent of the parish, and the duties to be performed, as to the parish having within it a town, or being a place where a man of better information, and of more improved habits should re-

side; those who live in towns are exposed to more expense, for they must dress better; they must pay a high rent for a residence, and they are obliged occasionally to entertain their brother clergymen or others, coming that way; and therefore they require a larger income. Now it may be, that in a country part, supposing a mountainous tract, the parish is of greater extent, and requires more laborious duties to be performed; but here, the priest is very retired; the priest is exposed to little or no expense; and though he has more duty, he is a man of less conspicuous character, and one whom I should postpone to the other description of persons; there should be a classification of them, but that classification should not be regulated by the extent of the parish and the duty to be performed, but by the local situation of the town or place.

Supposing that classification to be established upon the principle which I have last adverted to, still I think it would be absolutely necessary to leave to the bishop of the diocese, the exclusive determination as to transferring an individual from one parish that stood low in the classification, to another that stood higher in the amount of salary, unless all subordination were done away, as well as all power of rewarding merit and good morals; for unless the Catholic church were in some degree republicanized, it would be necessary to have a power left in the bishop, I cannot say vested in him, because he now has it, to translate individuals, excluding all Interference, direct or indirect, on the part of the Crown or State. The Crown would be annoyed if it were to be occupied with the little detail of our business; this detail would not be worth looking after, and would be very troublesome; besides, it would be impossible for any man in the government to be acquainted with the private life of individuals, or to know who was fit or who was unfit to be appointed; for instance, I had, whilst professor of theology, *the care of educating the greater part of the clergymen of the diocese, and I am still obliged to enquire into their theological knowledge, to ascertain the manner in which they discharge their duties; to receive the reports of the rural vicars, as to their morals and conduct; so that I know as intimately the life and habits, and conduct, of every individual of the clergy under me, as a father can be acquainted with the life and habits of his own son.* It is this knowledge which enables me to place each of them in that situation for which he is particularly adapted; and it must be very clear to the Committee, that no government, or agent of government, could have this information; and therefore no such agent could be as competent as I am to appoint these men to places or offices. And here I should advert to the two classes of priests we employ; the one are parish priests, the other are coadjutors; we have an arbitrary power in us to remove from his situation a curate, but we cannot suspend him without a

canonical cause ; that is, we cannot take from him the right of saying mass, unless upon cause shewn ; but the parish priests have a title to their office, and from that office we cannot remove them, unless upon a charge, defined by law, being proved against them, and then we pass sentence upon them, and either reprimand them, suspend them for a time, or suspend them altogether. That cause is tried by the bishop. And in my opinion, every reason for making the provision for the clergy of the Roman Catholic church inalienable, applies to the smallest parish in Ireland ; unless you exempt the parochial clergy, in some degree, from the authority of the bishop, to which they are now subject, you should make their receiving such salary depend upon their bringing with them to the person who pays them, a certificate from the bishop ; that I would think, indispensable ; and except in that respect, the provision should, in my opinion, be inalienable in every parish. When I say, that the salary should be irrevocable, I mean as attached to the station.

That portion of the priests income, at present derived from the fees upon marriage, baptism, and burial, in the case of the largest living in my diocese ; for instance, the income of which is 400*l.* a year, would be about 100*l.* a year, which I think would not be advisable to abolish by a law, accompanying the payment of the Roman Catholic clergy ; but I am convinced those fees would be greatly reduced, if there were a provision made for the clergy, because the people then seeing that the clergy had a support, would give something upon those occasions, but that something would be very small. For instance at marriages, the greater part of the people at present give something ; but I am sure, if there were a provision for the clergy, and that the people saw they were not totally dependant upon those contributions, there are only the wealthy portion of them who would give any thing at marriages. The same I might say of baptisms ; and also, with some degree of limitation, of funerals. So that in that parish, where the fees derived from baptisms, funerals, and marriages, may have amounted, during the last year, to 100*l.* I am very confident, that if a provision for the clergy were made, those contributions would be diminished by one-half.

How far the certainty of the payment of the clergy by the state would induce the parish priest to be satisfied to receive a smaller income than that which he now is in the habit of collecting, I do not consider myself at all competent to answer ; for on money matters, I am a very bad judge of other men's feelings ; I feel no interest myself about money ; but I know, that of the Catholic clergy, there are some who do ; I should not like to answer for them ; although in any arrangement that might be made, it must be left entirely discretionary to the party, whether he would receive it or not, yet the bishops could.

compel the clergymen to receive it indirectly, because the bishops could make a rule, such as I before mentioned, prohibiting generally throughout their diocese, priests from receiving the individual contributions to which I before alluded ; and no priest could, after such regulation had been made by the bishop, continue to receive it within his diocese, so that it would not depend upon the will of the priests. The bishop might, at the time he appoints to a living, appoint the new incumbent, upon the condition of his receiving this reduced income, which should be settled by legislative provision. And there is no doubt it would be a great relief for the peasantry to be relieved from a double impost, the payment of the clergy of two persuasions.

The total number of parish priests and coadjutors in Ireland is, I believe, about one thousand of the former, and, at an average, I should suppose that each of them has a coadjutor. In some parishes, the parish priest has no coadjutor, in others, he may have two. The parishes in the Roman Catholic church, generally speaking, are the same as those in the Protestant; but not universally, by any means. There are various unions of parishes in the Catholic church.

I have never made a calculation as to the probable amount of expense that would accrue, in making this legislative provision, because I could not possibly know what it would be in the contemplation of government to give to each; I have never turned it in my mind, I have only heard it spoken of since I came to London.

In filling up vacancies in parishes, the bishops select those of their diocese whom they thought the most deserving; they have a power of going out of their own diocese, but I have not known any case wherein they have exercised that power; I should not consider myself at liberty to go out of the diocese where I live, because the clergymen officiating within the diocese consider, and I also consider, that they have a right to such livings as may happen to become vacant; so that to bring a stranger, and to exclude them, would in my mind be unjust. They are designated for the dioceses at the time of their ordination, which must be previous to their being appointed to serve in the capacity of coadjutors. I have not known in the diocese where I live, any priest to be appointed to a parish, till he had served for some time, I might say for some years, as curate.

There is no chapter in my diocese; but there are chapters in many of the Catholic dioceses. The bishop names to all offices, except to that of dean. The Pope appoints to the office of dean; but the office of dean is not attached to a particular parish generally.

In no case in Ireland have the bishops been nominated or appointed by the chapter alone; but they have been recom-

mended by the metropolitan and suffragan bishops of the province in which the vacancy existed. In other cases, such persons have been elected by the parish priests of the vacant diocese, and the metropolitan and suffragan bishops concurred in the election; in other places, they have been elected by all the serving clergy of the vacant diocese; and the person so elected by those clergymen, has afterwards been recommended by the bishops; for instance, I was recommended to the See of Rome by the parish priests of the diocese in which I live, and by the metropolitan and all his suffragans. In my case, the recommendation of the parish priests, of the metropolitan and all the suffragans, happened to be, as it were, simultaneous; the metropolitan and suffragans resolved to recommend me to the Pope, and this resolution they adopted and signed; but knowing that the clergy were about to assemble, to elect a person, they kept the matter secret till such election did take place: the clergy assembled, and they also elected me; their instrument of election was placed in the hands of the metropolitan; he transmitted it to Rome, with that of himself and suffragans, and the appointment followed.

When I state, that objection would be felt to any interference of the state in the nomination of Catholic bishops, either directly or indirectly, I do not mean to say, that any objection of a similar kind would lie against making it imperative, that no bishop could be made in Ireland, except he received his nomination from one or other of those bodies; on the contrary, I should be glad of it. To reserve to the see of Rome the power of institution only, in this way: in Ireland, they do not elect one only; they transmit always to Rome the names of three persons, so that the Pope has the power to choose between them; the names of the persons elected are placed one after the other, on a piece of paper, and he has, in every instance, appointed the person whose name happened to be at the head of the list: however, I have stated before, that the Pope has the power to appoint, independent of that recommendation; but we would be glad, that the right which we now exercise, by courtesy or usage, we secured to us by a concordat.

The present Catholic primate in Ireland was, I believe recommended to the see of Rome by every Catholic bishop in Ireland, except one. He was not a bishop in Ireland before he was appointed; he had been at the Irish college at Salamanca previous to his appointment; upon the breaking up of that establishment, he returned to Ireland; and after he had been here between one year and two, (the see of Armagh happening to be vacant at that time,) the prelates in Ireland, with many of whom he was acquainted, considered him a very fit and proper person to fill that vacancy; and as they had a meeting at that time in Kilkenny, upon some business, I be-

Heve to protest against a Rescript which came from Rome, signed by some officer there, called Quarantotti, with reference to a negative power in the Crown to appoint to bishoprics in Ireland; I think it was there, I do not speak positively, that the bishops agreed to recommend Doctor Curtis as a proper person to fill the see of Armagh; and as there were some bishops not then present, these were applied to, and they allowed their names to be affixed to the instrument; it was upon that recommendation that the present Cathelic primate was appointed.

In that rescript which I allude to, the power of the Crown to interfere with the nomination of bishops was recognized as not inconsistent with the discipline of the Catholic church; but it was recognized by a man who outstepped his authority, by this Quarantotti, who was incompetent to decide upon a matter of so much moment; but though it had happened to have proceeded from higher authority in Rome, we would have acted as we did; that is, the prelates would, for I was not then a bishop; they would have remonstrated as they did. But I have been a bishop, unhappily too long for my own peace, namely, six years.

The Committee will be pleased to understand that this rescript of Quarantotti's did come from the see of Rome; but the Pope at that time was *prisoner in France*; and he vested his *spiritual jurisdiction* in several individuals in Rome, first in one, and then provisionally in others; so that in case the first and second and third happened to be removed by the French from Rome, some person might remain to administer the affairs of the church. The first individual, and I believe the second, who were entitled to do so, were removed by the French; this Quarantotti, who was an obscure individual at that time, happened to remain; he had those powers, and began to exercise them, and not being at all acquainted with our affairs, gave this rescript, upon an application being made to him by some interested person; and as soon as we received it, we protested against it. He was afterwards appointed Cardinal; he had some merit with the Pope, but his appointment was not the reward of his conduct towards us. I do not know what rank he held in the church at that time; I believe he was what is called a ROMAN MONSIGNORE; he was attached to some collegiate church, or held some situation in a public office. Nor do I admit that the principle of that rescript has been acted upon in the concordats which have taken place between the Pope and the Protestant states, or that it is a doctrine recognized by the see of Rome in treaties it has made with the Emperor of Russia and the King of Prussia, because, being ignorant of those treaties, and the provisions of them, I cannot say whether the principle was the same or not. The general principle in that rescript may be the interference

of a Protestant sovereign in the appointment of bishops; but circumstances affect principles, so as almost to change them in their operation; I could not therefore recognize the principle, because it may be so modified, as to be changed altogether in its operation, from what it would be, in the view we take of it, as regards our own country.

I think there might be great objections to making the appointment to Roman Catholic prelacies in Ireland an elective appointment. And it is upon that account I hesitated so much to answer a question that was put to me, because knowing well as I do, from the history of the church, the great evils which arise from the right of election being vested in bodies, if such a right of election were settled regularly by concordat, it should be liable to checks; and in fact such as would descend very minutely, both into the quality of the electors, and the number and description of them; but that is a matter which would depend upon the prudence of the persons arranging such concordat, about which I might never be consulted; therefore, feeling as I do, that it is a subject of great difficulty, and one of which I myself would be scarcely able to treat, I should much rather withhold the opinions I entertain about it. The Committee, therefore, infer from my last answer, and from a former answer, that I think this arrangement could only be satisfactorily made by a concordat with the Pope; but I think such concordat could be most easily made; and I should be most anxious that it were made, because it would secure to us always a domestic prelacy, and it would remove from us the possibility of the Pope ever interfering more than he now does in the appointments to our church. If I am asked whether I think that the Catholic church of Ireland is more or less independent of the Pope than other Roman Catholic churches existing in other countries, I should say, I think we are more independent in a certain way, and more dependant in another. We are more independent, because the Pope does not at present, and he could scarcely presume to nominate any one except such person as we recommend; we are therefore very independent, because we have the election of our own prelates in our hands, *and it would be morally impossible to take from us that right*. But we are more dependent than other churches, in another way; for instance, in the church of France, the KING has the appointment of the bishops, the POPE has only the power to give institution; there the church is national, the appointment being in the hands of the sovereign. We are more dependant, therefore, than the French church, because the Pope has the naked right of appointing in our church, without consulting us; and though I say it would be morally impossible for him to exercise that right, yet I think it an evil that he has it; and his having it, makes our church in that sense more dependant upon him than the church

of France is, because there the Pope is obliged to give institution to the person if found fit, who is recommended by the sovereign.

In stating how far the Roman Catholics profess to obey the Pope, I should say the Catholic professes to obey the Pope in matters which regard his religious faith, and in those matters of ecclesiastical discipline which have already been defined by the competent authorities. But I beg leave to state, most unequivocally, that this obedience does not in the slightest degree detract from what is due by the Catholic *to the state; on the contrary*, as the laws of God, which the Pope does enforce amongst Catholics, ordains that we should pay obedience to the existing government of the country where we dwell, so the obedience we owe the Pope, only tends to confirm us in our allegiance to such government. Consequently I think that set at rest.

The objection is made to Catholics, that their allegiance is divided. We are bound to obey the Pope in those things that I have already mentioned; but *our obedience*, or the *allegiance* which *we owe the sovereign*, is *complete and full, and perfect and undivided*, inasmuch as it extends to all *political, legal and civil rights of the King, or of his subjects* amongst whom we dwell. *I think the allegiance due to the King, and that due to the Pope, are as distinct and as divided in their nature as any two things can possibly be*; and I have no hesitation in stating it as my opinion, that the claim that some Popes have set up to temporal authority, is opposed both to scripture and tradition.

I do not like to speak harshly of men who have already passed out of this world; but I think that the Popes who have heretofore interfered with states, and extended their pretensions to the civil business of men, have done much mischief, and very often have acted upon a power, or upon an authority, which they had no right to exercise: however, whenever Popes did interfere with the civil business of men, or with the temporal rights of princes, I find that in almost every instance in which such interference occurred, that they *professed to act upon rights*, which they had acquired by *compact or cession*, or some act upon the part of those sovereigns, or those countries, with which they so interfered; and I do not find that that *interference* was grounded in almost any case upon *their spiritual authority*.

The rights to which I allude are temporal rights, which were acquired by the Popes from time to time, chiefly during the feudal times, by Kings and Princes making their states *tributary to the holy see, or resigning them into the hands of the Pope*, and then accepting of them back again as *fiefs* of the holy see; thus the Pope was considered by them as the lord paramount of the kingdom, or dukedom, or principality;

and he acting upon this supposed right thus acquired, sometimes attempted to depose the princes, or to absolve the vassals of such kingdoms from the allegiance which they owed to their immediate lord.

Those claims of the Popes were opposed in Europe, and the consequence of such opposition were many and very bloody wars ; the Kings of France contended against the Popes ; the Emperors properly so called, I cannot call them Emperors of Germany, for they were the Emperors of the Roman empire, contended with the Popes ; the King of Naples has had, from time immemorial, disputes upon those grounds with the Popes ; and there is scarcely a Catholic sovereign in Europe, at one time or other, who did not contend with his contemporary Pope, upon this very ground.

As far as I am acquainted with the history of such claims put forward by the Popes, they rested them upon such temporal rights, previously acquired by themselves or their predecessors, with the single exception of, I think, Boniface the Eighth ; and he in a contest, as I recollect, with some King of France, includes in a brief which he issued, a declaration that he did so by an authority *vested in him from above*. The terms of this declaration were vague and general, and seemed to me, when I read it, to imply that it was not in virtue of the temporal authority he had acquired, but in virtue of his spiritual authority, that he attempted to act as he then did. This is the only instance of the kind which has occurred to me in my reading.

The Pope at present does not interfere, or attempt to interfere, with the temporal concerns of any kingdom in Europe ; to this, perhaps, there is an exception with regard to the kingdom of Naples ; but I believe a concordat has been entered into in the time of the late Pope, between the then government of Naples and the Pope's minister Cardinal Gonsalvin, wherein the ancient claim or claims of the Roman see to the kingdom of Naples, as a fief, were laid aside, and some equivalent for it accepted. It was customary for the King of Naples, as a mark of his holding that kingdom as a fief of the holy see, to send, amongst other things, a white pony or palfrey once a-year to Rome ; whether that custom is still continued I cannot say ; but I know an arrangement has been entered into, which has settled differences that subsisted very long, and troubled both courts very much. Let me repeat, that the case of Naples is the only one in which the Popes of Rome have, for the last *three centuries* nearly, interfered in any way, *directly or indirectly, with the temporal concerns of any state in Europe* ; and I add, that if they were to attempt so to interfere at present, the *interference would not only be disregarded, but scoffed at by every person of sense*.

We consider the Pope as the executive authority in the Ca-

tholic church ; and when he issues a bull, enforcing a discipline already settled by a general council, such bull is entitled to respect ; but he may issue bulls which would regard local discipline, or other matters not already defined, and in that case his bull would be treated by us in such manner as it might seem good to us. For instance, did it trench upon our local discipline, we might treat it as we did the rescript of Quarantotti, about which I was questioned here the other day; did we find that it was unreasonable, we would refuse to accept of it. I have already spoken of his authority in matters of a purely spiritual nature. For instance, there are in the creed of Pope Pius the Fourth, the following words :—“ I promise and swear obedience to the Roman bishop the successor of St. Peter ; ” the proper meaning of which is, that we would obey him in those things to which his authority extends ; namely, spiritual matters, or the execution of those decrees regularly defined by general councils and accepted of by us, for they are not all the decrees of even general councils which are received in each kingdom ; for instance, the decrees of the Council of Trent, regarding discipline, *are not received* in the kingdom of France ; the decree of the Council of Trent, regarding a particular discipline, *is not received* in the province of Dublin in Leinster, though *it is received in the other parts* of Ireland ; all the decrees then even of general councils, much less all decrees of the Pope, cannot have force unless they are received formally by the nation which they regard, or whose discipline is affected by them ; each church has its rights, and those rights cannot be subverted or affected by any proceeding on the part of the Pope, without the concurrence of the hierarchy of such church.

If the Pope were to intermeddle with the rights of the King, or with the allegiance which Catholics owe to the King ; the consequence would be, that we should oppose him by every means in our power, even by the exercise of our spiritual authority. By preaching to the people, that their duty to God as Catholics, required of them to oppose every person who would interfere in any way with that right, which the law of Nature, and the positive law of God, established in their prince, *a prince whom we as subjects were bound to support* ; we would therefore *exercise our spiritual authority*, by preaching the gospel to the people, and by teaching them *to oppose the Pope, if he interfered with the temporal rights of our king.*

It is well known, what the things are in which the Pope, cannot interfere ; for instance, in all things of a political or civil nature, he cannot interfere ; there are some matters of a mixed nature wherein he may be considered as having some power, such for instance as marriage ; this we consider as a sacrament, and also as a civil contract ; the power of the

Pope, or of the bishop, extends to the spiritual qualities and effects of that union, notwithstanding the temporal character of it; but the temporal effects which flow from it, are subjects of the civil law. If the Pope then, or any person connected with him, were to interfere in those temporal matters which are closely connected with spiritual things, in the contract of marriage, they would be outstepping their proper boundary, and no regard should be paid to what they would do, or say or ordain; their authority can effect only the spiritual rights which would result from such marriage.

With respect to Marriage, the Committee will observe, according to the doctrine or the rule of our church, certain marriages might be held as forbidden by the degrees of consanguinity, which according to the doctrine of the law of England, are not so; in a case of that kind, the marriage being valid according to the law of the land, I should hold the party living in a state of sin, if he cohabited under such circumstances; still under those circumstances the issue of the marriage would be legitimate by law, though the cohabitation would be sinful according to our doctrine; but that could not affect the civil rights of the issue in any degree: but I do not find that this state of the case in regard to marriage; and we have an experience here of two centuries and upwards; (I mean in Ireland), where the ecclesiastical law differs from the law of the country, has in any one instance produced any notable inconvenience. But that matter might be arranged without difficulty, so as to get rid of this discrepancy. In fact the Pope, by my stating to him for instance, that a marriage was contracted within the prohibited degrees of kindred, but which marriage was reputed lawful by the established law, would immediately grant power to dispense in that case to marry the parties, and so render the marriage lawful in the eye of the church as well as in the eye of the law; this is done sometimes.

When I am asked do the Roman Catholics pray to Saints, I answer we pray that the Saints would pray for us to God; we address ourselves to the Saints, and beg that they would pray to God for us; but *we do not pray to them so as to ask of them any favour or grace, because we know they have no power of themselves to grant us such favour or grace;* and that there is only one mediator between God and men—the man Christ Jesus.

Catholics pray to the Virgin Mary in the same sense as they do to other Saints. But they do not believe that there is any divinity or virtue whatever in images; as to relics, they reverence them more than mere images.

Respecting absolution, the doctrine of the Roman Catholic church is *precisely the same as that of the Established Church in this kingdom; so much so, that the words of absolution*

which we use, are precisely those put down in the visitation of the sick in the Common Prayer-book, to be used by a clergyman of the Established Church, when he visits a person who wishes to confess his sins. OUR DOCTRINE then is, that the sinner, feeling that he may in his lifetime have transgressed the law of God, and being penitent for it, acknowledges his fault to a priest as to a minister of religion, and being sincerely sorry within him for having so offended God, by transgressing his law, the priest by a power derived from God, gives him absolution or pardon; always requiring of him that he do every thing in his power by amendment of life to satisfy for his past offences, and if he should have injured his neighbour in person, character, or property, that he repair such injury to the full extent of his power. So that I really know no difference between the doctrine of the Catholic church and that of the Protestant Church, with respect to absolution. I am sure the Established church requires, as we do, that the person making a confession of his sin, be sorry or contrite for it; the words of the absolution, which the priest of the Established church uses, are precisely those which we use; so I see no difference between the one and the other.

With respect to indulgences, our doctrine is, that a person who may have offended against God, or his neighbour, having done every thing in his power to satisfy for his fault, that such person, by gaining an indulgence, is thereby assisted and relieved from such temporal punishment as God, in his justice, might inflict upon him, either in this life or hereafter in purgatory, previous to his admission into heaven.

Amongst Catholic writers, Gother is esteemed by us a very venerable writer, and perfectly orthodox in all that he has written. And in a treatise called A Vindication of the Roman Catholics, the following curse, in a statement of curses, will be found:—"Cursed is he that commits idolatry, that prays to images or relics, or worships them for God." That is our *proper doctrine*, and *I*, and every ROMAN CATHOLIC *in the world would say with Gother, accursed be such person.* Further, it states, "Cursed is every goddess worshiper, that believes the Virgin Mary to be any more than a creature, that honours her, worships her, or puts his trust in her more than in God: that honours her above her Son, or believes that she can in any way command him." That is acknowledged; and *I would say the same of that as I did of the former.* It then states, "Cursed is he that believes the Saints in heaven to be his Redeemer, that prays to them as such, or that gives God's honour to them, or to any creature whatsoever." So, *I say, accursed be any person that does so.* It then further states, "Cursed is he that believes priests can forgive sins, whether a sinner repents or not; or that there is any power in earth or heaven that can forgive sins, without a hearty repentance, and

a serious purpose of amendment. I most cordially coincide in the expressions used there by Gother, and so will every Catholic clergyman in the world. It is then stated, "Cursed is he that believes there is authority in the Pope, or any other, that can give leave to commit sins, or that can forgive him his sins, for a sum of money." A *FRIGHTFUL AND IMPIOUS DOCTRINE, and most accursed is he that holds it.*

With respect to the indulgences granted by the Pope to certain churches, upon occasion of the holy year, which do not appear to be consistent with the sound doctrine of the Romish church, I am certain that the Pope, upon this matter, thinks as we do, for he is a divine of the Catholic church, and so is Gother, and so am I; our rank is different, but our doctrine, upon that subject, surely is the same; I never found any diversity of doctrine amongst Roman Catholic divines upon that subject; there is a phraseology in their writings which might mislead persons not acquainted with their science; for instance, St. Paul himself has sometimes given the name of sin to that which is not sin, but which was connected with it; as when he says, that our Redeemer was made sin for us; it is in like manner said, in the holy Scripture, "*Peccata populi mei comedent;*" "*they shall eat the sins of my people,*" meaning the offerings for sin. Now, in the indulgences, it is sometimes said by the Pope, that he forgives the sin; that expression might lead into an error: but the meaning of it is, that he forgives, as far as in his power lies, the temporary punishment due to the sin, after the guilt of it has been remitted upon true repentance by the sinner; or in other words, after the guilt of the sin has been remitted by God, upon the repentance of the sinner.

I think that there is no Catholic at all who misunderstands the language in which indulgences are granted, because in all our books of prayer, which are in the hands of every Christian, the sense that I have now given is clearly expounded; and the priests in their exhortations, when they do publish indulgences of any kind, take care to impress strongly upon the people, that such indulgence *cannot be obtained*, unless they heartily repent of their sin, obtain pardon of the guilt from God, and do all in their power to make atonement for it by good works.

I have before mentioned there may be in some indulgences, obscure expressions which might mislead those who do not understand the matter as Catholics do; but I said, that upon the subject of indulgences those proclamations or bulls, or whatever they may be called, are not misunderstood by *any Catholic of any rank or condition or country*; that I distinctly stated, and I also, as I supposed, stated the reasons, namely, because the true explanation of the matter is found not only in every prayer book, but is constantly explained and in-

gulated by the clergy in their exhortations from the altar or pulpit, so that an error upon the subject is morally impossible ; nor did I ever know in my life any one of any class or description, who laboured under the error, that an indulgence implied the remission of sin. We conceive that when a sinner heartily repents, he obtains from God, through the sacrament of penance, a remission of the guilt of the sin which he may have committed ; but after such his guilt is remitted, we believe that a temporal punishment may still remain to be inflicted on him ; for instance, when David committed the crimes of adultery and murder, he was rebuked by the Prophet Nathan, and upon being rebuked, he repented sincerely, and exclaimed, "I have sinned against the Lord ;" upon which the Prophet replied, " notwithstanding because thou hast done this thing, and caused the enemies of the Lord to blaspheme, the child which has been born to thee shall die the death." Here then we see that God Almighty may remit the eternal guilt of a sin, as he did to David, after he had declared I have sinned against the Lord, but yet that there may remain a temporal punishment to be inflicted afterwards by God, in order that he may show to the faithful at large, who often are scandalized by the sin, his justice as well as his mercy. We conceive that this providence of God has not been confined to the ancient, but that it is extended also to the new dispensation, for we find Saint Paul telling the Corinthians, that the unworthy communions of some were the cause why many were sick and some died amongst them. From this then we infer, that though the Almighty may remit to the contrite heart the guilt of sin, he may yet punish even under the new law, by temporal affliction ; and we do believe, that an indulgence granted by the church and obtained by the sinner, relieves him entirely or in part from such temporal punishment as may remain hanging over him, after the guilt of his sin may have been wiped away ; not that it insures such forgiveness to the penitent, it only gives him a hope, that through the merits of Christ, and the united prayers of the faithful in the church, God may be propitious to him by the means of the indulgence. But so far from relieving him from the penance enjoined on him by his confessor, unless he perform, or be resolved to perform such penance, he cannot obtain the indulgence ; it is a *help to his infirmity*, but by no means a *dispensation from performing all that is in his power to move the mercy of God*.

There were very long periods of penance imposed for the commission of certain offences, at any early period of the church. The extraordinary length of those penances was done away in the church, when the corruption of the morals of Christians became very great ; the discipline which enjoined such prolonged penances became too severe for our infirmity, and they went therefore into disuse ; but in some

indulgences it is said, that an indulgence of seven years, or of so many quarantines, is granted ; and this seems to have reference to the ancient canons, and is to be understood thus, " We grant you by this indulgence an exemption from performing that public penance of seven years, or forty days; which, had you lived in the time when the ancient canons were enforced, you would have been obliged to perform." But it never was any part of the doctrine of our church, nor has it been any part of the practice of it, that those indulgences should extend to remission of the temporal consequences, with respect to the crimes to be committed. I am aware that a vulgar error has prevailed upon that subject, but it is a HORRIBLE IMPUTATION.

If I am asked, whether I think that an indulgence can relieve from such infirmities as those which I described as the temporary penalties of sin, I should say, I conceive, for instance, that the Almighty, upon the repentance of a sinner, might forgive the eternal guilt of such unworthy communion as the apostle alludes to ; but notwithstanding that the guilt had been remitted by God; yet such individual might be afflicted with sickness ; and I do conceive that, if upon their remission of the eternal guilt by God, this person availed himself of the indulgence which the church might grant, the Almighty would relieve him from that sickness, which otherwise might fall upon him. I think that an indulgence, such as I have mentioned, might avert such sickness.

There is a distinction between Plenary and other indulgences ; an indulgence may be for some years, as I mentioned, or it may be for a quarantine or more quarantines than one (*a quarantine signifies forty days*), or it may be a plenary indulgence ; the meaning of a plenary indulgence is, that the church thereby grants as a full remission of the temporal punishment or penance due to a sin, as it is in the power of the person granting the indulgence to bestow. These are not my words, but the words of a Pope, I think one of the Bonifaces, in an explanation which he gave of the word Plenary Indulgence. The utmost extent, in point of duration, of an indulgence is, I believe, seven years ; there were many fictitious or forged indulgences (crowds of which were carried about the world, and which were not at all authentic) for I believe a greater number of years ; but we do not recognize, and have not that I know of, ever recognized any indulgence for a period beyond that of seven years, when time is at all specified.

The Sale of Indulgences used formerly to be a topic of imputation against the Catholic church ; I believe it ceased in the *sixteenth century*. The consequences of it then were so frightful as to put a total end to it ; nor has it been since revived, and I hope never will.

A priest, by his ordination, receives what we call a radical

power, whereby he can absolve from sin; but besides this power, which belongs to him in virtue of the order which he receives, he must get jurisdiction from the bishop to absolve individuals, otherwise he cannot absolve any one. Now the bishop, in granting such jurisdiction to him, which he may grant either as to extent of territory or as to individuals, may restrict the power of absolution to a certain class of sins, or he may give power to the priest to absolve the contrite sinner from any sins he may be guilty of, with the exception of certain sins which he specifies, and those are called in our language Reserved Cases; for instance, in a case of deliberate murder. If a man who had committed deliberate murder in the diocese where I live, were to repent as deeply and sincerely as David did, no priest in it could absolve him, unless by special leave communicated by me. We reserve the absolution from those grievous crimes to ourselves, for the purpose that sinners who are so unfortunate as to commit them, might come before us, and receive such reproofs and such penances to be performed, as would in some degree secure their amendment; and we would fear, that if we left it in the power of ordinary priests to absolve from such grievous offences, that they might not be so provident in the exercise of that power as the bishop himself would be; that is the nature of reserved cases, and these are the grounds upon which certain cases are reserved. There is no case whatever, that I know of, from which the bishop in this country has not the power to absolve. How the Pope treats the matter in his own territory, or in Italy, I cannot say.

In cases in which the priest has the power to absolve, his absolution is as complete as that of the bishop himself. The priest absolves, by authority, which we believe has been committed to him by God; the words of the absolution imply as much as you may see in the Common Prayer Book. In the form in which it is pronounced it is unconditional and absolute, *but it cannot take effect if the penitent be not contrite; but that is his affair, we cannot see the secrets of hearts.* In cases of confession and absolution, it is the duty of the Roman Catholic clergy, wherever they can, to induce the offender to make restitution and atonement to those whom he has offended in this world: so much so, that they cannot all grant absolution, unless the man actually has made, or engages most solemnly, and as it appears to them, most sincerely, to make as soon as possible, and to the utmost extent of his power, full reparation for any injury he may have done to the person, character, or property of his neighbour. And I know of instances of reparation and restitution, which have taken place within my knowledge,—numerous beyond the power of counting; and they are occurring almost daily. Every gentleman resident in Ireland, must well know what a common practice prevails there, of a priest coming and giving money to individuals and telling them "*This is money which is restored for an injury that has been done to you;*" he can-

not however tell the name of the person by whom the injury has been done, or any thing more about it. We clergymen frequently do this ourselves, but the reparation is much more frequently made in private, by the person who did the injury; we only become the channel through which it is made, where we find that the party concerned, cannot make it without exposing himself to be known, to which we do not oblige him.

It frequently occurs, that a person comes before the priest, who has been engaged in plans for doing mischief, either public or private: in such cases, our uniform conduct is, to oblige such person to withdraw himself from any wicked society of men with whom he may have been connected; to make reparation to the full extent of his power, for all the injuries which were done by him, or by the party with which he was associated; for we conceive that a man is bound not only to repair the injury which he himself committed, but also the injury to which he had been a party; the many ways in which a man becomes obliged to make reparation for injuries not done directly by himself, are comprehended in a verse, which is found in our theology: "*Jussio consilium consensus palpo recursus participans mutus, non obstans, non manifestans.*" *If a man concur in any of those ways to the doing of an injury, he is bound to repair it as an accomplice, in the default of the principal.*

We can make no use of any knowledge derived from confession; but it is uniformly our practice to dissuade the penitent from the intended crime; and I, myself, have frequently prevented the commission of mischief, by obliging the person who felt compunction at being concerned in plotting some evil, not at first to inform, but to dissuade his companions from doing the intended wrong; if he did not effectually succeed thus, then by obliging him to warn the person concerned, of the danger, or to give such information to him, or to a magistrate, or other proper authority, as would effectually prevent the intended evil.

In the commencement of the late disturbances, I published a pastoral letter, warning my flock from entering into any of the illegal confederacies of the day. I heard, and in a kind of way in which I could not be deceived, that there was an edition of it published in Cork, by the gentleman who commanded His Majesty's troops in that quarter; I believe there was an edition of it also in Galway, by some of the public authorities in that town; whether there was one in Dublin I do not know; but I know that printers, for their own profit, did publish a great number of them.

In the event of the introduction of any of those illegal conspiracies into any part of the country, one of the earliest signs of the existence of those disturbances, was the absence of the peasantry concerned in them from confession. I should say, however, that the pastoral letter to which the Committee allude, could not have had much effect if it had not been sus-

tained by the personal exertions of the clergy; it was not only by publishing that pastoral letter, that I endeavoured to check the evil which prevailed in that part of the country, but I also spent several weeks, going from parish to parish, and preaching to multitudes of people in the chapels, and sometimes by the way sides, against the society in which they were engaged; pointing out to them, as well as I could, the unlawful nature of it, its opposition to the law of God and to the laws of the country, as well as the evil results with which it was fraught if persevered in. I allude to the society of Ribbonmen. And there have been instances, in which the Roman Catholic clergy, following the same course that I have described with regard to myself, were in consequence exposed to personal danger. A clergyman in my own diocese was put in peril of his life, and I was obliged to remove him from one parish to another, through a strong apprehension which he entertained, and in which I also participated, that if he continued in the parish where he laboured to check this evil, he might be assassinated: and I have known of instances, in which, in consequence of such opposition as I have described on the part of the Roman Catholic clergy, surrenders of arms have been made to a considerable extent; there was scarcely a parish where there had been many seizures of arms, where such arms were not either entirely or in part, delivered up to the clergyman, and by him or by his directions, to the magistrate, for he very often did not receive the arms himself, but directed the person to surrender them to the magistrate.

I have not ceased during the few years I have been bishop to promote education of every kind, but particularly of a religious kind; for this purpose I have frequently required of the clergy to seek to raise contributions amongst the people, for the purpose of building schools and assisting to pay schoolmasters where the peasantry were not able to pay them for educating their children. I have sometimes, upon the death of a parish priest, kept the *parish vacant for some time*, and have taken into *my own hands* what of the dues could be spared *after supporting the assistant priest, and applied those sums for the building of schools*; besides which, I have established in every parish within the two dioceses of which I have the care, parochial libraries which I have had stocked with books of religious and moral instruction exclusively; those books are given out to heads of families, upon their paying a penny a week or a fortnight for the use of them; *they are given to the poor gratis*; when a man has read one of those books, he returns it to the librarian upon the sunday; he then gets another, and thus every class of people in the diocese are instructed in their moral, social and religious duties.

Among the books to be found in those libraries are Gother's Gospel, Reeve's History of Christ, Chaloner's Morality of the Bible, and other books of a similar description, are, I believe, in every library within my diocese; all these libraries consist

of books of a religious nature exclusively; for I do not admit into them any profane history, or any political tract, or any book of science unmixed with morals.

When I came into that diocese, I found a few societies called Confraternities existing in it; but from the advantages which I perceived to result from them, I myself recommended at the several visitations I held in the chapels, in the strongest and most earnest manner, that such confraternities should be formed; and I do not know that there is at present any one chapel in the diocese, to which there is not a confraternity of the Christian doctrine, as we call it, attached. These confraternities consist of young men and young females of a religious character, who assemble at an early hour on Sundays, and dispose of the children in classes and teach them the rudiments of the Christian religion; they read before mass to them some pious lecture or instruction; and in some chapels after mass resume the same business, and continue for an hour or two; they conclude these instructions by some form of prayer, after which they disperse and go home. And here I would observe, that one of the greatest obstacles to the instruction of the people in Ireland, is the want of sufficient room in our chapels; but this is an evil which it is not in our power to remedy, the pressure upon the peasantry is so great, from various causes, that they have not the means of enlarging their chapels, still less of building them anew, without making sacrifices which are peculiarly oppressive to them; and I have myself often ordered a chapel to be enlarged, or said, that otherwise I would not permit mass to be celebrated in it, and yet upon the representation of the priest, as to the distress and extreme poverty of the people, I have withdrawn such order, and suffered them to proceed as well as they could. Within my diocese we have not enlarged or built any chapel, since my appointment to my present office, in doing which we have not been assisted and materially assisted by Protestant gentlemen; in the parish in which I reside, about six years ago we commenced a very beautiful chapel; we were enabled chiefly by the assistance given to us by Protestant gentlemen to build the walls and even to roof them in; I myself have endeavoured out of my small income to contribute some *forty or fifty pounds a year, for the two or three last years, to the advancement of this work;* but from the extreme poverty of the parishioners I have not till lately ventured to call upon them for any aid, and the building, though a beautiful one, remains in that unfinished state. SIR HENRY PARNELL *has been one of our most bountiful contributors towards this building.*

I may here add, that the exercise of that liberality is the only matter in which I can scarcely distinguish between those of the Protestant gentry who are adverse, and those who are friendly to our claims; they all seem to think it a duty, on their part, to contribute to provide for the people a place of worship. The priests in my diocese are perhaps somewhat

more numerous, in proportion to the number of people to be served, than in most others in Ireland; the reason is, that I have a college at Carlow, to which a lay school is attached, and from the profits of that lay school we have been enabled to put together a very considerable sum of money; and by the interest of this money we are enabled to support a president and vice-president, and a competent number of professors; and hence we are, in my diocese, enabled to educate at Carlow such a number of priests as are wanted immediately in the diocese itself. But I will state, that notwithstanding this supply of ours, which is greater than can be found in any other diocese perhaps in Ireland, we have not yet employed upon the mission more than two-thirds of the number, which would be necessary for the discharge of the priestly functions amongst the people; *the reason, however, is not that I could not furnish a sufficient number of priests*, because I have at my disposal the college to which I have just alluded, *but I do not like to burthen the people, who are too much weighed down with other claims*, by sending amongst them an additional number of priests, who of course should be supported by their contributions. The priests in my diocese are so strictly bound by the statutes of the diocese itself to give religious instruction, unless in a case of difficulty almost extreme, they cannot avoid giving such instruction; but yet in general it is given by them at great *personal inconvenience*, for many of them have to celebrate two masses upon each Sunday, one of them at so late an hour as *eleven or twelve o'clock*. The priest who thus celebrates two masses, is obliged to *fast until the labour is ended, and often to ride some miles between one chapel and another; having this heavy labour to perform* then, he is not often able, particularly if he be an *old man*, or of a delicate constitution, to give so much instruction in public as I would wish. However, he must read either the epistle or the gospel of the day, or both, and give a short exposition of them; or if not of them, of a chapter of the common catechism, where the Christian duties are briefly laid down. Considering the discipline of the Roman Catholic church as applicable to Ireland, I conceive that a regular instruction of the people, in the shape of a sermon, is actually necessary; but from the circumstances of the priests, which I have now described, and from the smallness of the chapels, such instruction cannot be given in the most desirable way.

That establishment at Carlow was opened a year or two before the college at Maynooth; its funds have been derived partly from donations or bequests made to it by individuals, but they have chiefly arisen from the profits of a lay school, which is attached to the college, as there is a combined system of education at Carlow, lay and ecclesiastical. The students of those two classes are educated in the same establishment, but not together. I should not think that persons destined for the ecclesiastical state, if they have resolved to enter into it,

should be mixed with persons whose vocation was not yet decided. The grounds which have induced me to form that opinion are, that I wish ecclesiastics to turn their minds and affections entirely to that state of life upon which they are about to enter, and to keep themselves, as much as may be, separated from those worldly feelings and pursuits, which are lawful, if not commendable, in lay persons; in a word, that the ecclesiastical character, in order to be perfect, should partake as little as might be of that of a lay man; and therefore I do not wish that ecclesiastics, who should live to God, and who are to be employed, during life, in inculcating the pure morality of the gospel upon the people, *not only by word, but also by example*; I do not wish, or think it right, that such persons should be too much mixed with worldly concerns; I conceive that their being so is opposed to the spirit of the gospel, and to the admonition of the apostle, who says, that nobody who is devoted to the service of the altar should *mix himself with secular concerns*.

There is a college in the diocese of Ossory; and there is a seminary, I believe, at Waterford; and there is also a small one at Tuam, similar in their object, but they are small; I might say insignificant compared with ours, for our establishments, comparatively speaking, are very large; the number of students educated in them is very considerable, the establishment of professors is very respectable, and the sciences taught by them are the same as those taught at Mayneeth, or at any other public establishment; in a word, we have a regular professor of theology, of sacred scripture, one of moral and rational philosophy, one also of natural philosophy, besides teachers of the classics; such an establishment as that, comprising so many professors, could not be had in a seminary unprovided with very considerable funds, therefore it is that those other seminaries are very small compared with ours. Courses of scientific instruction, both pure mathematics and experimental philosophy, are taught at our college in the same manner as they are taught at Trinity College. The number of students varies between 100 and 120, including the lay gentlemen. The number destined for the priesthood varies from sixty to eighty. We charge twenty-five guineas a year for their commons, in which charge we do not consider ourselves as including any thing at all for education. Except those who are educating for the church, all our pupils are obliged to pay five guineas at entrance, and thirty guineas a year. The whole annual expense, I should think, of a lay boy, would cost between forty guineas and fifty pounds a year. The plan of education at our college is very nearly similar to that at Maynooth, because there also the classics are taught, though they instruct ecclesiastics only; and as to the sciences, we teach the same course in both establishments. And I would prefer a system of education that would require this expense, to one entirely charitable, like that at Maynooth.

but, however, if you were to charge the students coming from several dioceses in Ireland as much as they are obliged to pay at our house, you would exclude them altogether, as they have not the means wherewith to pay; for instance, in the north, where the Catholics are, generally speaking, few in number, and very poor, I do not suppose you would find a number of persons inclined to enter into the church, who could afford to pay forty, or perhaps twenty pounds a year during their studies. Not so in Leighlin and Kildare, for we have a great number of substantial farmers, who are able to pay what is charged for the education of their sons. I feel a partiality for the education at a regular university, because I have been educated at such a place myself; however, it is possible that our system of education, for the generality of ecclesiastical students, may be better than that of a university abroad; but I think, for certain classes of persons, an education at an university, where there is more emulation and more zeal, a longer time allowed for study, greater rewards and distinctions held out, would be far preferable to that of a private seminary or college, such as Carlow and Maynooth; at the same time, I think that, so far as it is practicable, a less eleemosynary system of education would be preferable for the clergy; but that much caution would be required in making such an arrangement as would burthen the students with expense. If there were any arrangement for the payment of the Roman Catholic clergy by the state, such as would make situations in the church an object for persons in a certain rank in life, in that case I think that the persons who went would be able to pay for their own education; that is, such an arrangement would probably have that effect.

Each student of my diocese is obliged to reside six years at Carlow, previous to his ordination; in general they reside for a longer time, but the course which is absolutely necessary for a student in the college, is only of five years. After having received their education at that seminary, they are ordained for any diocese in Ireland, when they come recommended to us by their bishop. We have not the power of conferring degrees either at Maynooth or at Carlow; there is a testimonial signed by the president, of the student having passed through the regular course of studies, but it is not what we call a degree; a kind of proceeding sanctioned by law, which gives to a man a degree, is what we cannot have; it is a power, I believe, generally derived from the King's act of foundation; in Ireland there is no such thing existing, except at the university, that is, at Trinity College; in fact, the power of conferring degrees is scarcely ever given to colleges, it is confined to universities; they are only religious orders in the church which have had the power, from time to time, of granting something equivalent to a degree. A testimonial given at Carlow is considered equivalent to a testimonial received at Maynooth. A man who gets a certificate of having fulfilled

the course of studies adopted in any of these seminaries, is thereby entitled to be employed upon the mission; but it is a matter that depends upon the opinion of the public, whether he will stand as high in their estimation when he has fulfilled his studies at another seminary, as if he had studied at Carlow; I do conceive that the generality of students who have completed their studies at Carlow, are much esteemed throughout Ireland. It is not necessary for a person to have taken any degree in order for him to be made a bishop, so that persons educated at Maynooth and Carlow, are qualified to become bishops, and there are several bishops in Ireland who have been there educated; but the majority of our present prelates have been educated at the foreign universities; but I suppose, in a few years, we are not likely to have any bishops but such as have been educated at home; I am myself the youngest prelate in Ireland who has received a foreign education.

The funds belonging to our Irish college in France, or rather the management of them, was for some time past vested in a kind of board at Paris; and this board consisted of men who mismanaged our property very much; they placed in the seminary there, which belongs to the Irish, men in whose morals or capacity we had no confidence; and whilst the management of the seminary continued in the hands of this bureau, many of the Irish prelates were unwilling to send subjects there. But some short time past, this bureau was dissolved, and the administration of the college vested, I believe, in some person appointed by the King; I do not know but it may have been in one of the secretaries of state; an Irish ecclesiastic, however, who happened to be on business in Paris, was appointed president, and since then, our objections to sending students there have been, I may say, entirely removed. I myself have a right to send there a student, or perhaps two or three; and during the last six years I would not send one at all to Paris, for the reasons I have stated; but I am deliberating at present about sending one or two, on account of the change to which I have adverted. When sent there, they will receive their education and support without any contribution by themselves or their families; but they will receive it, not from the French government or the French nation, but out of funds which originally belonged to Irish families, and which funds were settled in that country, when at home we were not permitted to educate our own youth. Much of those funds were confiscated at the period of the Revolution, but some remnant of them was preserved; and it is this remnant which was restored to us at the time of the general peace, and which it was thought at that time to have transferred to Ireland, but the French government was averse to such translation; and I believe *the representatives in France of our own government did not exert themselves very much to obtain the removal of this fund at that period, or they might have succeeded*; but at present I should think we

could not obtain the removal of it from that country to our own. I cannot speak with much precision to the amount of our funds there, but I should think they may be rather less than 4000*l.* sterling a year, besides having a very large college house that includes the exhibitions to which those families in Ireland have a right of presentation.

There is some income belonging to us at present in Flanders, but it has not been applied hitherto for the purposes of education; whether it will or whether it will not be so applied, I am not at present prepared to say; but except that, we have not upon the Continent any establishment deserving notice for Irish secular priests; it is likely, however, that we may shortly have one at Rome. The Irish have had at all times past a college in Rome (when I say all times past, I mean from the period of the change in the state of the law in this country), and I think it likely that they would wish to have a college there at present. When I speak of having funds in Flanders, I mean the kingdom of the Netherlands; the establishment at St. Omer's was destroyed during the French revolution. There may be some trifling funds at Salamanca in Spain, but I believe they are very small. When I stated that I conceived the French government would now be less inclined to admit the transfer of those sums appropriated for education than they would have been at the time of the peace, I did not mean to suggest to the Committee, that they are now more desirous of establishing the foreign education of Irish priests, but *that our influence with the French government was stronger at the period of the restoration than it can be supposed to be at present, when that government is settled;* and as there would be an inclination at all times in a French government to retain in their own guardianship a large mass of property, I should think that such inclination is strengthened by the circumstance of the government itself having grown strong and secure.

When I mentioned the three orders that exist in Ireland, I mean that they have distinct establishments in Ireland. They have houses belonging to their orders in Ireland, where there the religious live; and they send abroad young men to Rome, who are educated there and come home, and then occupy those houses which they have in Ireland. There are Dominicans, Franciscans, and Augustinians. Of those I think the Franciscans is by much the most numerous. They assist in performing, I might say, every duty of the ministry; they preach, they hear confessions, and they catechise.

They are supported chiefly, in towns, by collections made at the doors of their chapels on Sundays, from the congregations who assemble to hear mass; and when this is not sufficient, they send some person belonging to their families into the country, and he collects amongst the farmers alms for their support, in kind generally. I believe they have some funds of their own, some more, and some less. Almost every house,

not be contraverted ; notwithstanding that there still exists a want of confidence amongst Roman Catholics, in the present state of the law, as to applying property in support of Catholic charitable institutions. After the short discussion which took place in Parliament last Session, I myself, endeavoured to impress a contrary opinion upon the minds of many with whom I conversed about it; but I did not succeed in making them think even as I did myself. This state of the law is a great obstacle to the establishment of very useful institutions in the country.

Upon the subject of the state of the lower orders of the people in my diocese, I might say, that even in the lower orders we should distinguish some grades, there are some of them very low, but who yet have the necessaries of life; but there is a very numerous class who are extremely low, whose distress is, doubtless, indescribably great. I am in the habit of conversing with many of this description, I sometimes visit them in sickness; occasionally I see them in their cabins; my intercourse with them is *constant*, and I might say *extensive*; and I can safely state to the Committee, that *the extent and the intensity of their distress is greater than any language can describe*, and that I think the *lives of many hundreds of them are very often shortened by this great distress*; it enervates their minds, and paralyzes their energies, and leaves them incapable of almost any useful exertion. The numbers who are in this wretched state, are comparatively very great; I would give the Committee an idea of it, by stating what I know of it from the last year. The town of Carlow and suburbs contain about 8,000 or 9,000 inhabitants by the late census; last year the distress was something more than usual; there were of the poor of Carlow 237 families, consisting, I suppose, of five and a half persons on an average each, who applied to us for relief in public; and I should think, from the applications made to myself, by distressed persons, that the number of those, who would not go abroad to receive the food that we distributed, might be about 500 persons more; there was that number then in the town of Carlow. In the parish of Killishean, in which I reside, we also enumerated the poor who were *actually in a state of starvation*, and they amounted to 700, and some more, in a population of about 3,000, or between 3,000 and 4,000 souls. In addition to those paupers in that parish, I know that the distress amongst the great bulk of the people was extremely great, so much so, that men having cabins and a few acres of land, and perhaps a horse or two, were obliged to sell even the furniture of their houses, and to pledge their beds, in order to procure subsistence, and this subsistence consisted of a few potatoes, supplied to the family once in each day, for about six or eight weeks, or perhaps longer. And I also can state, that this distress extended so high, that I myself, and I regret very much being obliged to introduce myself so frequently; but as the mention of myself is necessary, in order to make the case clear, I do it,

however reluctantly; I myself, have been obliged to lend money to almost the largest occupiers of land in the parish where I live, to buy seed for their farms; and if I, or some other charitable person had not done so, the land would have remained untilled. The Committee can perceive then, that not only the 700 paupers who were in a state of starvation, but also a great proportion of the remaining part, were reduced to the difficulties I mention. And though the last year was a year of more than ordinary distress, yet I am confident from the great number of poor not employed, and the small stock of provisions which they are enabled to preserve for the summer, *that the season which is now approaching, will be as pressing nearly as that which is passed.* I cannot call last year a year of very extraordinary distress; but it was a year of much more than ordinary distress, but not so great as it was in 1822; and it is my opinion, that this state of distress will be in some degree a matter of ordinary occurrence at particular seasons of the year. Whilst the present state of things continues, it will be greater or less in proportion, as the potatoe crop happens to be good or otherwise; but that we will have a great deal of it each year, is *a matter to be counted upon as certain.*

The reason why I mentioned the summer, as a period of particular distress is, the poor people in general collect a little dung, (they have no land) this dung they put upon a piece of land given to them by a farmer, and it produces to them a little stock of potatoes; this, with their earnings, supports them until, suppose, March or April, then their entire stock is exhausted; and when the summer advances, particularly the latter part of it, before the harvest comes in, they have no means at all of support; *they have no employment; they have no food; and they are actually dying of hunger.* During the summer there is not sufficient employment to give them the means of purchasing even potatoes; till the hay harvest commences, you might get hundreds upon hundreds of men unemployed; when the hay harvest comes in (and last year the hay harvest being very fine, many labourers were not necessary;) not half the number of persons disposed to work were employed.

The people who have some property are in general very charitable, and they see that broths are made in their families, and cabbages and roots which are very abundant, boiled and distributed out to the poor. Again, the male part of the family *lie very frequently in bed;* during the day the wife or daughter perhaps goes abroad and begs about the neighbourhood for some few potatoes, which she brings home; on these they vegetate; and even an honourable Member of this Committee, who is so well acquainted with our poor, can scarcely imagine upon *what a small pittance one of those wretches endeavours to subsist; in fact he is almost like a savage of the American deserts; he lies down on a little straw upon the floor, and remaining there motionless nearly all day; he gets up in the evening, eats a few potatoes, and then throws him-*

that if those people had some property that would give them education and a feeling of self respect, and would put them as it were upon their energies to seek a livelihood, they would look before them before they married; but now their very depression and their extreme poverty throws them together like so many savages in a wood. *It is a frightful state of society, and when it is considered, it fills one with so much pain and horror, that I have frequently prayed to God, if it were his will, rather to take me out of life than leave me to witness such evils, if they were to continue; they are beyond the endurance of human nature.*

The landlords of the country, in my opinion, have increased the population by encouraging the subdivision of land, with a view to receiving a higher rent. In point of fact, a higher rent is given, or rather promised, for land, when subdivided in this manner; for those poor people promise almost any thing for land, in order to get possession of it. And I think that the desire of registering a great number of freeholders, for instance, has contributed on some estates to the same result, and to the creation of joint tenancies. It has not, however, gone to a great extent in that part of the country with which I am best acquainted. In Kildare it has not gone to a great extent, because we have not had a contested election there from time almost immemorial; in the county of Carlow it has not gone to a great extent, if I were to except the properties of three or four gentlemen; in the Queen's county it has gone to a considerable extent. I should observe the class of peasantry, which I describe as labouring under that extreme distress, are not, or but very few of them, possessors of the elective franchise; but the Committee will recollect, that I presented to them a kind of scale of the poor. The great and most numerous class of those wretched beings have no elective franchise; but many of the class which comes immediately above them have the elective franchise.

Upon the subject of the oath, or what is the purport of the oath, which a Roman Catholic bishop takes upon his ordination I really cannot say from memory, but the substance of it is, that they profess canonical obedience to the Pope, and will receive honourably his legate going or coming, and various other things which I could not state with any degree of accuracy; but I am sure I could borrow a pontifical from the vicar apostolic, who lives in town. The distinction between a vicar apostolic and a Roman Catholic bishop is, we have the title by the appointment we receive to a see, as Roman Catholic bishop of it, whilst the vicar apostolic is only a delegate from the see of Rome to administer the interests of religion within any district which may be assigned to him, and therefore is removable at the will and pleasure of the Pope; but a bishop, such as we are in Ireland, cannot be removed when he is once appointed. There is a material distinction between the power of a vicar apostolic and a Roman Catholic

bishop, as to the power of withholding the publication of any bull or rescript from the see of Rome, because the vicar apostolic depends, as to the existence of his office, upon the will of the see of Rome; he can be removed from it at the good pleasure of the Pope; the faculties which he exercises can be restricted or limited, or modified, just as the see of Rome may please. It is not so with us bishops, we cannot be removed, we have a title to our place; our rights are defined from the gospel and from the canon law, as well as those of the Pope himself; we cannot be obliged to do any thing by the mere good will or pleasure of the Pope. In the year 1799, the Roman Catholic prelates of Ireland, I am aware, resolved, that in the appointment of prelates of the Roman Catholic religion to vacant sees within the kingdom, such interference of government as may enable it to be satisfied of the loyalty of the persons appointed, is just, and ought to be agreed to. If I am asked whether I think the Roman Catholic prelates at present entertain the opinion that was expressed by the Roman Catholic prelates in 1799, I should observe, if I were to pretend to speak the sentiments of the Roman Catholic prelates, I might deceive myself and deceive the Committee, and therefore I think it would be safer in communicating information, that I should only give my own private sentiments, for I do think I could not speak the sentiments of others with any degree of confidence; men's minds are so different, and it is so delicate a matter to pretend to speak for others, that I would not undertake at all to do it. Therefore when I am asked if I dissent from the opinion which was expressed by the Roman Catholic prelates in Ireland, I cannot say I dissent; but *if* what is meant there would go to imply, that in order to ascertain the loyalty of the person to be appointed, the Crown should have a direct or indirect interference with such appointment, then *I do dissent from it*; but *if* a mode of ascertaining the loyalty of the person to be appointed, can be devised, which would not imply a right on the part of the Crown to interfere, directly or indirectly with his appointment, *I should fully agree then with the resolution*; for there is no one in the country more anxious that the Crown should be fully satisfied of the loyalty of the person appointed, than I would; for I think it essential to the well-being of the state, that perfect confidence should prevail between His Majesty's government, and every class of his subjects. I have some vague recollection of the provisions which were made in the Bill that passed the House of Commons, in the year 1821, for the purpose of procuring that assurance as to the loyalty of the person appointed: and I think I recollect enough of them, to say that I do not think it likely that the Roman Catholic prelates in Ireland would see with satisfaction, the re-enactment of those provisions; and for my own part I do say I would not.

I think there are other modes of taking security for the loyalty of the person appointed, than those which were provided

by the Bill of 1821. My notions upon the subject are these: I am fully convinced, that if the disabilities under which the Roman Catholics labour, were removed, we would be so incorporated by interest and affection with the State, that the same pledge which is required of His Majesty's other subjects, namely, the oath of allegiance, would be quite sufficient to secure our attachment, at all times, to the Crown and to the institutions of the country; for our religion, our church rather, is in its nature *monarchical*; it has, I might say, a natural tendency to support a kingly government; and if it were to do any thing to disturb or destroy the institutions existing in these countries, it would be acting contrary, as it were, to its own nature: moreover, we in Ireland, if we were incorporated with the State, would feel a most intense interest in promoting the interests of our own country, without reference to religious distinctions; there would be a bond arising out of our affections and natural inclinations, which would secure to the Crown our allegiance, better than any provision which can possibly be made; further, we being thus incorporated with the State, and our affections secured to the King and his government, we would be enabled to render to both much greater services, than we could if by a provision, such as has been alluded to, we were connected with them by law, as the nature of the church is to connect itself, perhaps too closely, with the Crown; when it does so, it more or less loses the confidence which the people should have in their religious teachers, finding them not only men of *religious* characters, but also men who have *political* interests. If you leave our church unconnected by especial agreement with the Crown, you leave us to exercise over a country that is somewhat distant from the seat of government, a most salutary and wholesome influence, an influence which we would exercise naturally; because, by the exercise of it, we would only be confirming the principles of our own church, and labouring for the security and eminence of the State to which we belong. If, on the contrary, you bind us to you by an arrangement of that external kind which has been mentioned, you may make us strongly attached to you, but in proportion as you connect us more closely with you, you will remove from us, and thereby remove from the State, the people over whom we exercise jurisdiction; so that whilst you seek by such an arrangement to secure our useful influence, you in fact weaken that influence where it could be advantageously applied for you. And I am convinced in my soul, I never spoke without sincerity, but I never spoke more from the fullness of my heart than I do at this present moment—that if we were freed from the disabilities under which we labour, we have no mind, and no thought, and no will, but that which would lead us to incorporate ourselves fully and essentially with this great kingdom; for it would be our greatest pride, to share in the glories and the riches of England. Whilst then we are, as prelates of the Catholic church,

jealous of the interference of the Crown, I think it may be collected from the sentiments I delivered on a former day, and on this, that we are not less *jealous of the interference of the Pope*, we are zealous for the independence of our church, and we do not like that either the Pope should interfere with it beyond what is necessary for preserving the Catholic communion, nor do we like that an interference of the Crown should be established in the appointment of our prelates, which would weaken our influence with the people; an *interference* which, under a *bad minister*, (and there have been *bad ministers in every state*), might be made use of to put into places of great responsibility, men who would be unfit to fill them, either to the advantage of religion or for the benefit of the State. Entertaining, then, as I do, these notions which I have expressed, I must feel, and I do say that, in my opinion, the best security we can offer, and the most effectual one that could be required of us, is, that our prelates be of a domestic kind, that the election of them be made by men resident in the country, and who are British subjects; and that there be no further interference with them, than that interference which would result from all persons concerned in such elections taking the oath of allegiance; and that they would elect only such persons as would be loyal and peaceable, and likely to discharge the trust reposed in them, in a manner useful to the State, and honourable to their calling.

But I again state, that if the court of Rome should agree, by any convention with the crown of England, to give any interference, direct or indirect, over the appointment of the prelacy in Ireland, I for one, after trying the effect of a solemn protest, would still rather abdicate my functions as a prelate than submit to any such arrangement; I would state at the same time, that I have no attachment to the office which I hold; and that, independent of such a cause, I would cheerfully resign it; but unquestionably I would resign it rather than be a party, in any way, to a concordat, in which a right to interfere in the appointment of the bishops would be vested in the Crown.

I do not think the case of Lower Canada is analogous to Ireland, I am not acquainted with the nature of the influence which the Crown of England exercised there; but I should think, that it would not be unreasonable that a greater right would be vested in the Crown, with regard to responsible officers placed in a distant colony, than with regard to a bishop in Ireland, who is mixed up with a community which forms a component part of the empire itself. With regard to providing, that there should be any control on the part of the Crown, over the admission of bulls, rescripts and other documents from the see of Rome, into Ireland, I know that in 1821 when a bill, regulating the matter, was introduced into one of the houses of Parliament, some strong objections were raised to it in Ireland. At that time, I had very little expe-

rience in those things, and on that account, I scarcely ventured to give an opinion amongst my brethren in Ireland ; however, the opinion which I did entertain then was, that the subjection of this correspondence to a board, was not a matter to be objected to ; because I thought, if things were arranged amicably between the Catholics of Ireland and the British government, that one of the bishops in Ireland probably, or if not, a nuncio, sent from Rome, would be placed in Ireland or in London ; and that this person would be enabled to transact the routine business which is carried on between the court of Rome and us ; and therefore I thought that this bill would be a dead letter ; whereas another mode of transacting that business could be so easily adopted, which would be advantageous to all parties ; but if the government should entertain any jealousy whatever, of the correspondence which passes between Rome and us, I, for my part, and I can only speak as an individual, should have no objection whatever, that all the letters and communication which might pass between the court of Rome and me, should be subjected to the inspection of any ecclesiastics whom the government might think proper to name. Further more I assure the Committee, I should not care who were to compose the Board, if they were all laymen, if they were all secretaries of state ; for my part, I have *never received* any communication from Rome, nor *ever will receive* any which I would hesitate to exhibit upon any of the public places of London, so that, upon that matter, I, as an individual, feel perfectly quiet ; however, I do not say, that the other Catholic prelates think as I do about it.

I mentioned, on a former day, and I repeat now, that the Pope has in him *a naked right* of appointing whom he pleases to a see in Ireland ; but I added then, and I repeat now, that we are not to suppose that he would attempt to intrude into our church an individual who was not recommended to him from Ireland. If he did so, I will not presume to say that such person would *not be received*, but however, I think it would be extremely difficult for him to *take possession of his jurisdiction, or to administer in it the laws of the church*. The Committee will be pleased to observe, that I recognize in the Pope the naked right to do so, but yet I think the exercise of that right is *morally impossible* ; there has not been a foreigner appointed to a see in Ireland, as I recollect, since about the middle of the seventeenth century ; there might have been one then, but only one, nor am I certain that he was appointed. By a convention of the government of France with the see of Rome, a provision was made, that no person but a native of France should be appointed to any prelacy within that kingdom, and in my mind a very reasonable provision. And I should wish to see a similar provision, with respect to Ireland ; I think it is most just and reasonable, but that provision could not be made by the Roman Catholic prelates in Ireland, without the consent of the see of Rome. We

have no power to take from the Pope the naked right which we state to exist in him ; but I believe I mentioned before, and I repeat again, that if matters at home were put into a train of settlement, the British government would find not the least difficulty in entering into a concordat with the Pope, whereby he would relinquish for ever the right to appoint a foreigner to a see in this country.

The Oath taken by a Roman Catholic prelate, upon his appointment, could not be modified without the consent of the Pope, but the Pope has already modified it ; there was a part of it which was objectionable, some persons did not understand it in the way we did ; this was represented to the Pope, in the lifetime of the late Doctor Troy, in Dublin, and a rescript was sent from Rome, whereby such clause of the oath was modified to the satisfaction, I believe, of every person interested about it. If a further modification of the oath, or the substitution of a new one in place of the old one, were required by the British government, of the Pope, I have no doubt whatever he would accede to it, for there is nothing particularly amiable in the oath we take at present ; and the object of it could be as well secured by an oath to consist of four lines. I have already said, that the principle of domestic nomination appears to me to be a reasonable one, and if that could be effected without any violence to any principle of religion, or without interfering in any disrespectful manner with the authority of the Pope, I think it quite desirable ; to an arrangement of that kind we might give a provisional consent, but only that.

If I am asked whether supposing the Crown were empowered to appoint a commission, consisting of a certain number of bishops of the Roman Catholic church, and to name that commission from time to time, it would be objected to, that it should be required, that no person should hereafter be nominated either to a bishopric or to any function in the Roman Catholic church, unless this commission should certify to the Crown, either as to the loyalty, or as to the domestic appointment and education of that person, or as to all those circumstances, is a matter of so much moment, that I would hesitate to give an opinion about it ; I know a commission of that kind, is in its nature one that would not be very acceptable to us in Ireland, because we know that ecclesiastics are perhaps as much, if not more liable to be influenced by the Crown than any other description of men ; and we would fear that if any intention hostile to our religion were entertained, those men would become the tools of others in effecting that work ; and I think it is a matter that would be objected to strongly by us, (though in itself it may be perfectly unobjectionable), although it was not intended that any power of nomination, or of setting aside the nomination, should grow out of the recommendation of that commission, but only that

before the person was admitted to the exercise of those functions, that commission should certify that he was a loyal person, and that he was educated at home. I know, that anything to be done previous to the appointment of a bishop, would be looked upon in Ireland with suspicion. If there should be an objection felt to an arrangement of that kind, I think it would not be an objection growing out of the nature of the Roman Catholic religion, but an objection of a political kind.

If there should be coupled with a general measure for the settlement of the Roman Catholic question you have alluded to, in the course of your examination, any arrangement made for a provision for the Roman Catholic clergy by the State, I do not think there can be any objection to this, that before that provision should be received, or before any person should be entitled to claim it, there should be a certificate from a commission, such as has been already alluded to, of the loyalty and domestic education and nomination of that bishop; indeed I think it very reasonable, that before a man could eat the bread of the state, the King of that state should have a full and perfect knowledge of who he was.

In the course of my last examination, I gave it as my opinion, that in case there should be any provision for the Roman Catholic priesthood made by the State, and that there should be a classification of parishes; with respect to the amount of the stipend paid to the incumbent in each parish, it would still be necessary to leave to the Roman Catholic prelate of the diocese, an absolute control over the appointment of the priesthood, and over their transfer from one parish to another, of greater value; nor do I think such controul would at all interfere with what has just been enquired into, because when a man would be appointed, by the bishop having this controul, it might be made obligatory on him the bishop, to notify to the commission, the description of person so appointed; and until such notificaton had been made he might not be entitled to receive any thing, notwithstanding his appointment by the bishop. I added, that when such appointment would be made of this person, he should not continue there, and be permitted to receive his salary, independent of the bishop; so that although he might commit a canonical fault, for which he would deserve to be dismissed from the parish, he would still be entitled to receive the salary, to the exclusion of the man who might be placed to succeed him; I would therefore desire, that if a priest were placed in a parish, and thereby entitled to receive his salary during his life-time, that in case the bishop notified that such a person was suspended by him, or otherwise removed from his situation, or that he had been obliged to resign it through infirmity or incapacity, and that another had been appointed in his place, I would desire, that this statement of his bishop should be attended to by the commissioners, and that the person last appointed

should become entitled to the salary; and that the former person, though originally entitled to it, should lose his right. Again, upon the priest being appointed to a parish, I conceive that he should produce to the commission the title by which he was appointed, and that then they would state to government what kind of person he was; and upon such statement being made, that he should be entitled to receive the salary. I also think that, if afterwards such priest should misbehave, or become incapable of discharging his duty as a parish priest, the bishop should have henceforth, as he has at present, a power of punishing him, and even removing him from his situation altogether, and placing another in his stead; in which event I would expect that this man so removed from his situation, would no longer be entitled to the salary; but that the person appointed by the bishop to succeed him, should acquire a right thereto, upon producing his title, but not before. Supposing a prelate were to appoint a person, and that the commission were to withhold his certificate to government, in that case there would be two remedies; first, the bishop would guard against the inconvenience, because he could give the appointment to the parish only provisionally, that is, he could appoint a priest to the parish, on proviso that he was approved of by the commission; so that in case they did not approve of him, he ceased to be the titular of that parish; or if the bishop pleased to give him an absolute title to the parish, and the commission afterwards disapproved of him, in that case the man would continue to live in the parish, and support himself in the best name he could; but I should think he would very shortly be removed from it.

The process of canonical removal, is, if a priest, for instance, commit violence upon one of his parishioners, or if he get intoxicated publicly, a complaint is lodged with the bishop, by the person who has been witness of the excess, or who has sustained the injury; the bishop writes to this person, or sends him a general citation to come before him; the person making the accusation, or a second person, proves upon oath before the bishop, if his word be not taken, that he received this injury, or that he saw this excess: and upon that, the bishop has a right to suspend that priest from his office, or to remove him altogether, if it be a very heinous offence.

As to the precise nature of the certificate, which the proposed commission might give to the government, it might set forth, that the bearer is to our knowledge, or that he has been reported to us by his bishop of such a place, to be a moral man, a peaceable and loyal subject. Something equivalent to that would be sufficient; but it would not be my business to frame such certificate. But it does not follow, that because I would admit the appointment of such a commission, for the purpose of giving to government a security with respect to the peaceable conduct and loyalty of the priest to be appointed, that therefore I would have no objection to the same security

given by that commission, with respect to the character prelate to be appointed.

the first place, the priests are very numerous, and it is possible that a person of objectionable character might introduce himself into a parish, on account of the neglect of bishop, or the influence of others; and therefore I think might be persons against whom it would be necessary to l. In the second place, I think a matter of that kind d operate as an insult, in some degree, to that individual, ne that he would merit; yet I would not regard that in egree as resting upon the order to which he would belong. e third place, I think very decidedly, *that the government might think it worth their while to influence the election of bishop*, but I think they would never descend to an in- ence, in that indirect way, with the very trifling office of h priest in Ireland. These are the reasons which occur at present, and these appear to me quite sufficient, why could establish that distinction in my mind. The order or of bishop is so much raised over that of a parish priest, an argument with regard to the one class, cannot in any apply to the other.

y objection is, with respect to a certificate being required e loyal character of the bishop, I should have no objection being included in the certificate of his having been born eland, or educated in Ireland, or of his domestic nomination; in fact, the nomination of the bishops being domestic, the ty of the priest being provided, the loyalty of the prelates d also be provided for, because the bishop springs out of riesthood; so that in the event of that order of things which been described, being established, the prelate would, in the city of priest, have already obtained a certificate of his loyalty igh the medium of his commission. If you should make it a *quâ non*, that the priest or prelate about to be appointed, been educated in Ireland, you go to exclude from the Irish ch, perhaps, some of the most deserving prelates who may after live in it; for instance, a young man may go through urse of studies in Ireland, and he may afterwards go ad, and study at a foreign university, in order to perfect self in knowledge; now, if such a regulation as is men- ed were made, that priest so improved by travelling abroad, ming acquainted with other languages, and extending his vledge of those sciences with which he ought to be parti- rly conversant, would be excluded from a dignified office eland; that, I think, would be very painful.

think it is very advantageous to young ecclesiastics to el abroad, and to spend some time at universities; I may wrong in that opinion, for I have received myself a foreign ation, and I may be on that account partial to it; but ever, I am of opinion, that men's minds are much en- ed, and their feelings much improved, by residing in fo-

reign countries for some time, and by comparing the institutions of those countries with our own; travelling holds out many advantages which naturally flow into the mind, by communication with mankind. I think it would therefore be a great injury to the Catholic church, to have men who might have studied abroad, excluded from any office; at the same time I beg to remark, that there is no class of men who could be possibly employed at home in our church, who would be so much attached to this country and its institutions, as those who had lived abroad. I myself never would have loved the British Constitution so much as I do, had I not been acquainted with the forms of government which prevail in the countries where I have resided. It is by comparison with other institutions, that the excellence of our own is best known; I would wish that many people might travel abroad, and compare what prevails in foreign countries, with what prevails at home, amongst those who enjoy a full participation of our admirable constitution.

If the question, commonly called Catholic Emancipation, were carried, I am very confident that religious differences would cease to agitate the public mind in Ireland.

At present I know no class or description of people in Ireland who do not feel a very strong interest in the repeal of the penal laws; *those, perhaps, who understand the nature of them least, are most anxious for their repeal.*

As far as I am acquainted with the lower orders of the people, and I am acquainted with them extensively, I do not suppose there is a man, a woman, or even a child, who thinks upon any subject, who does not feel an interest in the question of Catholic Emancipation. A copy of the Catholic petition that has been presented to Parliament, is hung up very generally at the present time, in the cabins of the Irish peasantry.

If an impression exists among the public in England, that the lower orders in Ireland do not feel deeply interested in the success of the Catholic question, that impression unquestionably is erroneous. The exclusion of the higher orders of Catholics from the highest offices of the state, is considered by the lower orders of Catholics, as a mark of infamy and degradation affixed on their whole body.

I think, if emancipation were carried, that the whole of the Catholic population would consider their grievances, as it were, at an end, and those obstacles, which exist to the improvement of their condition, and the general interest of the country, as removed; and that they would look with great confidence, and at the same time with unwearied patience, for the improvement of their own condition. I am also quite confident it would produce in them a feeling of satisfaction, of confidence and affection towards Government, greater than has ever been experienced almost in any country. I think the carrying of the measure would make every man in Ireland sit down quite secure, to devote his time and his attention to his own interests,

and the interests of the country at large ; and I do think, that the people of England, finding Ireland tranquil, and likely to continue so, would then naturally turn their attention to that country, travel into it, view its beauties, become acquainted with its natural resources, and be induced to vest their capital, and employ their skill in the improvement of it.

As a Roman Catholic bishop, I have had much opportunity of intercourse with the Roman Catholic bishops and clergy, and of speaking to them on subjects connected with their religion, as it affects the State ; and I can most conscientiously say, I have never discerned in any class, or in any individual of the Catholic religion, either clergy or laity, any disposition hostile to the Protestant established religion ; on the contrary, I know they have frequently deplored with me, the *progress of sectariness* ; and that the characters of the Protestants were likely to be changed, by many of them falling off from the Established Church.

With respect to the elective franchise and the effect at attempts to disfranchise the 40s. freeholders ; upon that subject, as I happen to be an ecclesiastic, if the Committee would indulge me by permitting me not to express an opinion, they would favour me much. In this place I would wish, that any testimony I am called upon to give, should not be of a political kind ; for if ever I took part in political discussions, it was with great reluctance, and only until the difficulties under which the country laboured enabled me to return to that privacy in which I always wish to live. To give an opinion as to the 40s. freeholders would be rather a political one, than one connected with religion ; therefore if the Committee will indulge me in my own inclination, I should much rather not give an opinion ; merely for this reason, that it is a political question, and that I am an ecclesiastic.

My opinions, with regard to the Established Church, if by the Established Church is meant the temporal establishment of it, unquestionably are those which are expressed, as the question would imply in a publication entitled "Letters on the State of Ireland, by J. K. L." but if by the ESTABLISHED CHURCH is understood a *church of religionists, professing a certain religious creed*, I esteem them in that character *more than any description or class of Christians in the universe, outside my own church*. I have cautiously drawn the distinction, lest as there may appear in that work, to which the Committee have alluded, a strong feeling of opposition to the establishment of the church ; my answer might go to convey an impression to the Committee, and through the evidence, to the public, that I am as hostile to the Establishment, in a religious point of view, as the writer of the letters seems to be to the temporal goods of the Established church ; in a word, I have a high esteem, and the highest respect for the whole constitution of the Established church, and even for many of its

clergy; but the same feelings that I have for the constitution of the church, and for many of its clergy, and for those who profess the creed of the Establishment, I have not towards the *temporalities of that Establishment in Ireland.*

I have no objection to state my opinion, with respect to the title of the bishops of the church of England to the exercise of their ecclesiastical powers, it is this: it is an article of the Catholic creed, I may call it an *article* of our creed, that communion with the Holy See is necessary for the rightful exercise of spiritual jurisdiction in the church: and as the Established church is not in communion with the see of Rome, I would cease to be a Catholic, if I did not say, that I believed they want that spiritual jurisdiction which is only found in the body of the Catholic church. That is a tenet of my religion as a Catholic: still they may be validly ordained, and they have certainly a legal, just, and good right, to the property they hold. I do not deny the spiritual character of the bishops of any church, because it is the ordination that gives the spiritual character; but the *spiritual character is one thing*, and the *exercise of a spiritual jurisdiction is another*. I can best illustrate it by what I was speaking of just now regarding a priest, who when he is ordained, receives as it were a radical power to administer the sacrament of penance, or to absolve sinners who are contrite, from their guilt; but unless he get jurisdiction from the bishop to exercise that power within a certain district, or over certain individuals, he cannot exercise it. So in like manner I consider, that in the Established church the bishops may be real bishops, as much so as I am myself; but I think the spiritual jurisdiction whereby they can administer, for instance, the power of absolving the sinner from his guilt, they cannot have outside the Catholic church. It is therefore that I think that the separation of the church of England from the church of Rome is a most lamentable misfortune; but that opinion I entertain as a Catholic, whilst a Protestant gentleman, of infinitely more learning and greater knowledge, may think that my opinion upon the subject is quite idle.

The regular apostolic succession is not of importance, with regard to the spiritual character of the prelate, but it is with regard to the exercise of spiritual jurisdiction; they are two things essentially distinct; the one depends upon order, the other depends upon being united with the Catholic church, and receiving mission through it.

In the Roman Catholic church, there is a gradation of orders; in the Established church you recognize three, bishops, priests, and ministers; we have bishops, priests and ministers; but this rank of minister contains four lesser orders. Now, it is a universal practice with our church, that when a person comes from another church, who has not had his ordination through each of those orders, that we either ~~ordain him altogether again~~, under condition, or that we supply

what was omitted in the ordination or ritual of the church to which he belonged. Thus, if a Greek bishop, whom we certainly recognize to be a bishop as much as we are ourselves, came to us, we would supply all those defects, which we conceive to have occurred in his ordination and consecration. So in like manner, if a bishop of the Established church of England were to pass over to ours, as the ritual of the Established church differs from ours, we would supply in like manner the defects that may have occurred; and as something respecting the Lambeth records is doubtful to us, we on that account, that there might be no doubt afterwards with regard to the validity of his ordination, make him pass through the entire ordination; but by doing so you will perceive that *we pass no judgment upon the validity of his former ordination*; we only consider that a certain fact has rendered the succession, even of orders, doubtful amongst the clergy of the Established church; and whenever a doubt exists, we would remove it entirely from the Christian ministry, and reordain under condition. *For example*, if a child be exposed at the door of my parish chapel, it may have been baptized before, as it probably was, but yet lest it was not, I take it, and baptize it under condition; so in like manner, if a bishop came to our church, with regard to whose ordination I have any the slightest doubt, I ordain him again under condition, lest by possibility he might not have been ordained; and then that the acts performed by him in the discharge of his ministry might become invalid, to the great detriment of souls. Suppose I had the most positive testimony that the child, so exposed, had been previously baptized by a minister of the church of England, in that case I should not go through the process again. The baptism of a minister in the church of England is as good as that of the Pope; the repetition of the ceremony would only be in the case of a doubt.

Supposing I were perfectly certain of the ordination of the bishop of the Established church, it would not be necessary to reordain him, in order to convey to him the rank of bishop in the Roman Catholic church; but it would be necessary to do with him as we do with the Greek bishops, to supply the defects which occurred in his ordination, namely, to supply those *four minor orders which are omitted in the Protestant ceremony*. No ceremony of episcopal ordination would have to be gone through; he would then have the power of conferring orders in the Catholic church, as a bishop. There are no Roman Catholic prelates in Ireland, who have the order of bishops, but who are not attached to any diocese, either as bishop or coadjutor, nor have there been for several centuries.

In the case of the late Lord Dunboyle, bishop of Cork; he separated from us, and he remained bishop during his life.

The vicars apostolic in England, are, I believe every one of them, bishops *in partibus*.

It appears that, by a concordat between the government of France and the see of Rome in 1800, it was provided, that no

national council should be held in France without communication with the government, and the consent of the government. I do not know that there exists a law prohibiting us from holding a council in these countries; I have never known of it, nor has it ever been intimated to me that there was such a law. And I apprehend it would be quite consistent with the discipline and doctrine of the Roman Catholic church, to hold such a council, in case the interests of religion required it. The means of convoking such a council would be, the metropolitans agreeing with each other, or the Primate, that is, the archbishop of Armagh (though we do not recognize him as having a jurisdiction over us,) still we would, through the respect for his office, assemble, if he called us together. In our church, the jurisdiction of the metropolitan bishops over their suffragans, has been greatly lessened by the Council of Trent; and as to the jurisdiction of the Primate of all Ireland over the entire Church of Ireland, that, I might say, has ceased altogether, from the time of St. Lawrence O'Toole; in fact, the office of primate in the Catholic church has gone into disuse, I might say entirely; and they have become simple metropolitans. If a council of that kind was held, I would esteem it a national council. An ecumenical council could not be called, without the authority of the Pope. It would not only be consistent with the doctrine and discipline of the Catholic faith, for the Pope to appoint a nuncio or legate, or any officer of that nature, to communicate with the Roman Catholic prelates of Ireland, or with a national council; but it is quite in accordance with our discipline, that he should do so.

There has not been any instance of the appointment of a nuncio or a legate, since the appointment of Rentocine; and he came here as a *political emissary, and did a great deal of mischief*. Upon any matter relating to the interests of the Roman Catholic church, such an appointment might be made by the see of Rome; but no nuncio would come to reside in these countries, because his residence here is illegal; besides, he is a sort of ambassador from the Pope, and he would not demean his master, by coming into a country where he could not live with the honor that generally attends an envoy from the Pope.

If I am asked, whether I think there was any thing in the conduct of the Roman Catholics, during the reigns of the Stuarts, that justified the English Parliament in passing the penal laws against them, I should say, that at that time, the connexion of the Roman Catholics with the Stuarts, was such as justified, and even made it necessary for the English government to pass some penal laws against the Catholics; such as the excluding them from offices of trust, and perhaps even from the councils of the Sovereign; but I think that the necessity which existed, and which certainly would justify, perhaps demand of the government to pass certain restrictive laws against the Roman Catholics, could not justify them in passing the very harsh and unnatural laws which abounded in

the penal code. I am aware there were very strict laws enforced previously to the Reformation, with respect to the admission of documents into this country from the see of Rome. What I said before I would be disposed to say again: namely, that with regard to communications from Rome, as far as I am personally concerned, I really cannot see what objection I could have, or ought to have to any restriction of any kind whatsoever that might be imposed upon them, provided they were permitted to come into my hands, that I might see the purport of them; I was going to observe, that at that time such restrictions were exceedingly necessary, as the Popes at that period pretended to have in this country rights and privileges which are now utterly abolished, and never can be revived; on that account, it was very necessary that his correspondence with this country should be carefully watched, and an interference with the rights of the country and the rights of the Crown strictly guarded against; but at present, when no such right on the part of the Pope is pretended to, such laws as then existed cannot be thought necessary; but if they were thought necessary, I could not have any objection to them. I do not know that they were ever formally disavowed by the Pope, nor do I suppose that they have been, nor was it necessary they should, because they have long since gone into disuse, and other laws have been enacted in the Church, which supposed their total abolition. The Committee can best find the laws which now define the powers or pretensions of the see of Rome, with respect to foreign countries, in the usages of the different churches in Europe; and we are not bound to recognize any of those ancient laws, which at all affected temporal rights, because those laws must have ceased with the subject matter which they regarded. The usages of the different States of Europe determine the power of the see of Rome respectively; for instance, in Spain, a usage, I think, is, that the Pope should have the nomination to certain dignities in each chapter, upon their becoming vacant; also, that he should have the power generally, through that kingdom, to nominate to benefices which became vacant in one particular month, or two months of the year; that is the usage of the Spanish church. In France, for instance, I believe he has no power to nominate to any benefice, either in the cathedral or out of it; thus the usage of one church grants one thing, and the usage of another church denies the same thing to him in another country.

The only instance that I know of, of any country in Europe, being a Protestant country, in which there exist Roman Catholic prelates, with a provision of any kind from the State, in which the see of Rome does not permit a direct interference, on the part of the Protestant sovereign, in the appointment of the Roman Catholic prelates, is that of the king of the Netherlands; within his dominions, there has no arrangement as yet been come to upon the subject; and therefore that is one State where the king is not recognized to have any authority whatever, with regard to the appointment of bishops; and certainly if a see were vacant in the Netherlands, the Pope could appoint to it, but whether the bishop appointed could take possession of it, that is another thing; perhaps the king might prevent it. I am aware that a negotiation has been pending for some years, between the king of the Netherlands and the see of Rome, and I was sorry to hear it had been broken off.

The Roman Catholic prelates in Flanders have legal rights and possessions; in that respect they differ from the Roman Catholic prelates in this country, all whose possessions are dependant upon the payments of their flock.

I think, wherever different religionists are living in the same country, the carrying abroad in the open air, and exposing to public view the ceremonies of any religion, is not consistent with sound sense, or that prudence which ought always to govern States; and therefore I think, that those processions in the open air, outside the precincts of a church, ought to be guarded against, even by law, if it were thought advisable; and to that I would make no exception, except as to the attendance of clergymen at funerals, and that attendance I would have so regulated, that his clerical dress, and the external shew which attends the performance of that rite, should be exhibited only at the burial place, and not paraded through the streets, or through any place where it could offend the view, or hurt the feelings of persons of different religious persuasions; and so far from thinking there would be any objection to the enactment of provisions upon that head, I think it would be desirable they should be enacted; for the indiscretion of foolish men, by parading those things abroad, might create feelings in the community which would tend to evil, therefore I should wish that such provisions were made. So far from wishing that it should be a part of Catholic Emancipation, that the Roman Catholic Bishops should sit in the House of Lords, *I think it would be most pernicious to the public interest, both political and religious, that they should ever sit in it.*

If, as I think it has been supposed, I have been understood to say, that the right of appointment to the vacant sees in Ireland, was vested, in the lineal descendants of Charles the First, until they became extinct; I fear that I must have been mistaken, for certainly I do not wish to convey that idea; I said that the sovereigns of this country, whether the Tudors or Stuarts, who were Catholics, had, as far as I can judge, the right of presentation to the sees in Ireland; but after the Stuarts ceased to be the sovereigns of these countries, I think then, if their recommendations were attended to, it was a matter of courtesy rather than of obligation on the part of the Pope; for the right which he recognized, in the Stuarts, to present to the sees in Ireland and England, whilst they were Catholics, he must have recognized in them because they were the sovereigns of these countries. Now when they ceased to be sovereigns, and to have jurisdiction in the country, I think if he still continued to pay attention to their recommendations, it was not in consequence of a right which he recognized to exist in them, but through a deference to their high though fallen state; I know, however, that he did practically attend, in some instances at least, to their recommendations. I never heard of his attending to the recommendation in the case of CARDINAL YORK, but I know, as a matter of history, that Bishop Burke, who lived in Ossory, and who wrote a work that is in the hands of all, called Hibernia Dominicana, was recommended to the see of Ossory, by the late Pretender, and that it was in consequence of that recommendation, that he was appointed; at least I have known this from authority; but since that appointment, there has not one taken place in Ireland, to my knowledge, (and it is a matter I enquired into very diligently,) for some years past, which did not originate in Ireland.

In stating my opinion with respect to the Protestant hierarchy, I took a distinction between their spiritual and their temporal possessions, and I stated, that however highly I respected their spiritual character, as a denomination of Christians, I considered the subject as capable of being looked at in a different point of view, with respect to their temporal possessions; but in so doing, I never entertained, nor do I believe there exists in the mind of any clergy man of any rank, any dispo-

sition to receive, or to ask, or to seek to obtain, by any means whatever, the possession of the temporal goods of the Established church in Ireland ; and I will add, that for myself, and as far as I have been able to obtain a knowledge of the feelings of those of the clergy with whom I am conversant, I believe it is their opinion, as well as mine, that were a portion of the goods offered us, we would decline accepting of them. Supposing the tithes now received by the Protestant church, were proposed to be transferred to the Roman Catholic church, I would not accept of them. It is true, one of the commandments of the church is, to pay tithe to our pastor. That is a command of the church, which is found written in catechisms published where tithes were paid ; but where tithes are not paid, the command in the catechism signifies, or is, " contribute to the support of your pastor." Our claim of support is founded upon the law of Nature and of God, That the labourer is worthy of his hire ; and upon the saying of the Apostle, " Thou shalt not muzzle the ox that treadest out the corn," and " He that serveth the altar shall live by the altar." These are the texts of scripture, which, as well as the arguments from reason, we adduce to show we are entitled to some kind of compensation for devoting to the service of the people our talents, our time, and our labour.

The commands of the church are, first, to hear mass on Sundays and Holidays ; now the law of God obliges us to sanctify the Lord's-day ; and the church holds, that one part at least of that duty prescribed by the law of God, is to be fulfilled by assisting at the celebration of mass. In the second place, " Go to receive your communion at least once in a year ;" now we conceive, that God ordained that we should approach to the Holy Sacrament frequently, or at least sometimes in the course of our life ; and hence the Council of Lateran ordained, that every Christian should go to the communion at least once in the year. Thus, then, the commandments of the church are only applications of the commandments of God, as to *time, place and circumstances*. The commandments of the church are enforced under pain of mortal sin, such of them as are capable of binding a man's conscience by virtue of the law of God, on which they are founded ; but, for instance, that " contribute to the support of your pastors," does not bind every man under pain of mortal sin, for we discharge all the duties of our office towards the members of our church, without receiving any compensation at all from a great number of them ; and they are bound to contribute to our support only in proportion to their means. Thus then we are to understand those commands of the church, as being applications as it were of the law of God, binding us in such degree as we ourselves can plainly infer from that law of Nature or of God, from which those commandments of the church are derived.

I can give no further explanation of what I stated as the exposition of that commandment, which exposition *common sense and reason dictate*, and there is no person can understand it otherwise ; *for surely a poor man, who does not contribute any thing to the support of his pastor, cannot conceive himself as guilty of mortal sin*, where he is *neither desired to do it, nor permitted to do it, nor required to do it* ; but the commandment of going to communion, at least once a year, he understands as binding him, under pain of mortal sin, for the reasons already stated ; so these are matters which I should hope would not lead any rational person into error.

**The Most Reverend Daniel Murray, D. D. Roman Catholic
Archbishop of Dublin, Examined.**

I have been Roman Catholic Archbishop of Dublin since the decease of my predecessor, on the 11th of May, 1823. I was coadjutor to the late Doctor Troy.

The origin of the authority of the Pope we hold to be from God, who established a head of the church which he wished to appoint on earth; the nature of his authority is, that he is the executive power of that church; his office is to watch over and enforce the observance of the canons; he is, besides, the centre of Catholic unity, the great link that holds together all the different parts of the Catholic body; so that each Catholic throughout the world, finding himself in communion with the head of the church, may know thereby that he is in communion with the whole body. His authority is wholly confined to a spiritual authority, according to the words of our Saviour, "My kingdom is not of this world;" and that authority is limited by the councils and canons of the church; he is the executive power of the church, appointed to preside over it, and enforce its canons or laws. Those canons vest in individuals, for instance in bishops, certain rights, which of course, it is the duty of the Pope to protect and not to violate, his authority is thus limited by those canons.

A Catholic professes to obey the Pope solely in spiritual matters, or in such mixed matters as come under his government, such as marriage for instance, which we hold to be a sacrament as well as a civil contract; as it is a sacrament, it is a spiritual thing, and comes under the jurisdiction of the Pope; of course he has authority over that spiritual part of it; but this authority does not affect the *civil rights of the individuals contracting*. Allegiance in civil matters is completely undivided. The duty which the Catholic owes to the Pope, and the duty which he owes to the King is wholly distinct. The claim that some Popes have set up to temporal authority is opposed to scripture and tradition. As far as it may have been exercised as coming from a right granted to him by God, it appears to me to be contrary to scripture and tradition; but as far as it may have been exercised in consequence of a right conferred on him by different Christian powers, who looked up to him at one time as the great parent of Christendom, who appointed him as the arbitrator of their concerns, many of whom submitted their kingdoms to him, and laid them at his feet, consenting to receive them back from him as fiefs, the case is different. The *power that he exercised under that authority of course passed away when those temporal princes, who granted it, chose to withdraw it*. His spiritual power does not allow him to dethrone kings, or to absolve their subjects from the allegiance due to them; and any attempt of that kind

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I would consider contrary to scripture and tradition. I am sure the Pope does not now dispose of temporal affairs within the kingdoms of any of the princes of the Continent. The Catholic clergy admit that all the bulls of the Pope are entitled to a certain degree of reverence. *If not contrary to our usages, or contrary to the law of God,* of course they are entitled to obedience as coming from a superior. We owe obedience to a parent, we owe obedience to the King, we owe it to the law; but if a parent, the King, or the law, were to order us to do any thing that is wrong, we would deem it a duty to say, as the Apostles did on another occasion, "We ought to obey God rather than men;" and most assuredly there are circumstances under which the Catholic clergy would not obey a bull of the Pope.

The true meaning of the following words, in the creed of Pius the Fourth: "I promise and swear true obedience to the Roman Bishop, the successor of Saint Peter," is canonical obedience in the manner I have just described, within the sphere of his own authority.

The principles of the Catholic religion in respect to the performance of civil duties, is a conscientious obligation which the law of God imposes on us; and I apprehend the divine law is quite clear as to the allegiance due by subjects to their prince. The most authentic exposition of the Faith of the Catholic church is to be found in that very creed that has been mentioned, the creed of Pius the Fourth; in the catechism which was published by the direction of the council of Trent, called "The Roman Catechism," or "The Catechism of the Council of Trent;" "An Exposition of the Catholic Faith, by the Bishop of Maux, Bossuet;" "Verren's Rule of Faith;" "Holden's Analysis of Faith," and several others.

The Committee have before them a petition presented to the House of Commons, of the Dean and Chapter of the Cathedral church at Peterborough; in which the petitioners say they consider as *utterly unfounded*, the allegiance of the Romish church being at present *less ambitious and less intolerant than in former periods of its history*. The observation I would be disposed to make upon that paragraph, with the leave of the Committee, is that I consider it a very *unfounded charge*, which those who allege it should be bound to *prove* or to *retract*. I do not think that any facts can be found to substantiate the charge; I conceive that the Catholic church is *not intolerant*, that the members of it are *not marked by any peculiar degree of ambition*; on the contrary, I find in them much *humility*, as much as in any other description of Christians. I consider the charge wholly unsupported by fact. I do not consider that the church has, by its constitution, any *political character*; as a church, I conceive that its object is wholly *spiritual*, the salvation of souls. I cannot conceive that

it has any political character, except such as the State chooses to bestow upon it; our church endeavours to educate its ministers with feelings of *humility*, and a sense of *devotion*, rather than of *ambition*; and it teaches them to elevate themselves by their zeal in promoting the salvation and happiness of men, rather by any *temporal pursuits*.

With respect to Faith, there can be *no charge*; the faith of the Catholic church we consider *invariable*; its discipline is always changing, according to the local circumstances of the different kingdoms where it is placed, and I wholly deny the charge, that at present it is either *ambitious* or *intolerant*. I perceive the Committee have before them a recent publication, entitled, "Justification by Faith, in a course of Sermons, by the Reverend John William Whittaker;" those Sermons having been preached in the month of January 1825. If the Committee will permit me to read a paragraph or two, I will offer a few observations. In the second Sermon are the following observations: page 30. "It has been above observed, that 'justification by works implies that 'we shall be rewarded 'precisely to the extent in which our good actions exceed our 'bad ones ; from this it may be inferred, that any portion of the 'former will obliterate an equal quantity of the latter.' The Sermon proceeds, p. 31. "If this be true, (and it cannot be denied by one who avows a justification by *works alone*,) "we have fairly established the merit of the Saints and works "of supererogation, which our Church has unequivocally and "laudably condemned in our fourteenth article; those are the "great bulwarks and strong holds of superstition. If a person "once believe in those supererogatory funds of merit, it "requires very little additional credulity to think, that the "holy men to whom they belong, can transfer them to whom "they please, or sell them, or bequeath them as a legacy "to their successors. Hence came that Romish treasure- "house of merit, accumulated by all the Saints in the calendar, "which in the days of ignorance proved so lucrative. Hence "the infamous traffic of indulgencies and free pardons for sin, "which by anticipating guilt, tempted men to commit vice, "and under the pretence of religion, sanctioned the blackest "crimes. Hence even the invocation of the Saints themselves, "and all the blasphemies that attend this open and shameless "idolatry." The Sermon proceeds and states, "These dread "ful results would not, I am well aware, have followed that "doctrine in an enlightened age, because persons of informa- "tion invariably forsake their principles, when they lead them "to contradict their understandings, always preferring incon- "sistency to absurdity. But they are the natural and luxuriant "growth of an ignorant age; and we know by experience that, "when they have once taken root, they continue to keep their "ground, notwithstanding the present diffusion of knowledge." From the passage which has been read, my answer must be

somewhat at large, and I trust that the Committee will make allowance for the *wounded feelings under which I find myself compelled to make that answer.* I am really grieved that any Christian divine could be found to utter such a charge against so large a portion of his Christian brethren. It would appear from the first passage which has been read, that our idea of justification is, that if our good works overbalance our bad works, or if we perform a great quantity of good works, that will empower us to do a certain portion of bad works, and still leave us a sufficient fund for justification here, and salvation hereafter. *I cannot find any language sufficiently strong to mark my abhorrence of that demoralizing doctrine.* Not only is it true, in our belief, that no quantity of good work or of virtues that can be practised, can ever give us liberty to commit a sin, but we believe that after a long life passed in the practice of every virtue, social and religious, one sin, one solitary grievous sin against the law of God, would be sufficient to blast the highest sanctity to which human nature, aided by grace, can arrive; and that after all that long life of virtue, this solitary sin would mark out the individual so committing it to the anger of the Almighty God here; and if he were to go impenitent in that state into his presence, our doctrine is that he could never see his face in mercy. Thus then our doctrine of justification is not a kind of balance between our good and bad works; *our doctrine utterly denies the lawfulness of any sin under any possible circumstance, and no virtues or series of virtues, that we can ever practise, can under any circumstances, give us the least title, or privilege, or liberty to commit a sin.* How then, according to our doctrine, is this sin, once committed, to be blotted out? Upon no other condition, than that of *sincere and deepfelt repentance.* No other good works that we can perform will ever remove the stain that has been fixed upon the soul. *We may fast, we may pray, we may give alms, we may go to confession and receive absolution; all is nothing towards the effacing of that sin, until the heart is changed by contrition and repentance; and that repentance must be so intense, and our hatred to that sin must be so sincere, that rather than commit the same or another grievous sin in future, our resolution should be to incur in preference a thousand deaths.* That is the nature of the repentance which we deem necessary as a first step towards the effacing of that sin; yet this is only the first step. After this it is required that the criminal should go and humble himself to his fellow man in the tribunal of penance, and acknowledge himself as guilty of that crime, in sentiments of humility and compunction; he must promise to repair any injury which that sin may have offered to his neighbour; and he must likewise, as a mark of his detestation of it, receive with docility

whatever penances or works of austerity may be enjoined. Thus then we require all that every other Christian denomination requires for the remission of sin, that is, sincere and intense repentance, including a purpose of future amendment; and we require further the additional humiliation of confession, the receiving of absolution from the proper authority, and an intention to practise such penitential works as may be enjoined, or as the nature of the sin may require. With regard to justification by works, we hold no such doctrine as justification by works alone: we always require faith through divine grace; for Saint Paul says, that without faith it is impossible to please God. Before justification, divine grace must touch the heart, and awaken us to the knowledge of God, as the rewarder of virtue and the punisher of vice. The contemplation of his attributes through faith, leads us gradually to horror for sin, and the love of virtue; to confidence, through Christ, in his boundless goodness and mercies, and from confidence to that divine love, which unites us in friendship with God, and without which no one can be justified; all those things, it is true, we consider works. The very act of repentance that I have mentioned, is a work; and the act of confidence and love of God, those are all works, but they are also considered as the effects of faith; all flowing from that faith which, according to Saint Paul, "worketh by charity." And I would refer to the authority of the Council of Trent, to show the true doctrine of the Catholic church, with regard to justification.

With respect to indulgences, the authorities of the Catholic church have, in virtue of the power of the keys committed to them, a power to remit a certain portion of the temporal punishment due to sin, after the guilt of sin has been remitted; but in no case can indulgences have effect, till the person is first justified and reconciled with God: and there can be no permission to commit sin of any kind.

The Committee have before them a book, intitled, "A Protestant Catechism, showing the principal Errors of the Church of Rome; printed in Dublin, for Ann Watson, in the year 1822;" if the Committee read some of the questions and answers, I will give my opinion upon them. In page 9, there is this question, "How do the papists treat those whom they call heretics?" The answer is, "They hold, that faith is not to be kept with heretics, and that the Pope can absolve subjects from their oaths of allegiance to their sovereigns." To one part of that question I have already answered, the Pope cannot absolve subjects from their oaths of allegiance; to the other I answer, with equal distinctness, it is no part of our doctrine, that faith is not to be kept with heretics, in that sense in which faith is understood to be fidelity to engagements: we are bound to observe our oath, our pledge, our con-

tract, our agreement, with persons differing from us in religion, in the same way as we are with one another.

The only sense in which it is the doctrine of the Catholic church, that faith is not to be kept with heretics, is, that *our* code of faith, that is, divine faith, is not the same as that of Protestants; so that we do not hold spiritual communion with them.

All Roman Catholics, in the oaths that they are required to take, for qualifying, and enjoying relief from the penal code of Queen Anne and other reigns, swear, "I reject and detest, as an unchristian and impious principle, that faith is not to be kept with heretics," without the least hesitation.

In page 11, there is this question and answer, "Do the papists pray to any other beings besides Almighty God?" The answer is, "They pray to angels and saints, to intercede for them, and save them by their merits." What I would observe upon that is, we pray to saints, and we ask the prayers of saints, in the *same sense* in which SAINT PAUL *asked the prayers of his fellow men*; and we confide in the prayers of saints, just as Saint Paul confided that the prayers of Philemon would contribute to restore him to liberty. Whenever we pray to the saints, we merely ask them to present our prayers, through Christ, to the throne of grace, in the same way that Saint Paul asked his fellow men to pray for him, that speech might be given him; and that he might preach with confidence the mystery of the Gospel. But Roman Catholics do not worship saints as God; we honour them as the friends of God; and we honour God, in them, as they are his friends, whom he loves, and in whom his grace has triumphed.

In page 12, there is this question, "May we not worship the Blessed Virgin, the Mother of our Lord?" and the answer is, "Though the papists address many more prayers to her than to Almighty God himself, yet there is neither command nor example in the word of God to support such worship; and as she is but a creature, it is downright idolatry." Again I would say distinctly, we never address any prayer to the Virgin Mary, *to give us any thing of her own, for she has nothing of her own to give*; all that she has is the gift of God; and when we pray to her, we merely ask her to present our petitions, through her Son, as I mentioned before, to the throne of mercy and grace: this we conceive is *not idolatry*, nor any thing approaching to idolatry; for it does not give to any creature the worship that is due to God.

And once more I repeat, that is no part of the doctrine of the Catholic church, that promises or engagements made with heretics, are in any degree, or under any circumstances, less binding upon the Catholic who makes them, than promises or engagements made with a Roman Catholic would be. The religious faith therefore, of the person with whom the engage-

ment or promise is made, cannot in any degree affect the obligation of the promise which has been made.

As a writer upon the Catholic religion, Gother is considered a very zealous and correct divine; he is very much in use amongst Catholics; his authority is considerable as an individual; the authority of no divine is paramount.

In order to remove the prejudices of Protestants, Gother published a work, entitled, *A Vindication of Roman Catholics, as also their declaration, affirmation, commination, showing their abhorrence of the following tenets, commonly laid at their door; and they here oblige themselves, that if the ensuing curses be added to those appointed to be read on the first day of Lent, they will seriously and heartily answer Amen to them all:* First, it is stated, "Cursed is he that commits idolatry; that prays to images or reliques, or worships them for God;" I acknowledge the accuracy of that doctrine, though I do not like much the idea of cursing; but there is hardly any language strong enough to express the *abhorrence I feel* of the doctrine that is there denounced.

Second, "Cursed is every goddess-worshipper, that believes the Virgin Mary to be any more than a creature; that honours her, worships her, or puts his trust in her more than in God; that believes her above her Son, or that she can in any thing command him." I fully concur in the rejection of that *impious doctrine*.

Third, "Cursed is he that believes the saints in heaven to be his redeemers, that prays to them as such, or that gives God's honour to them, or to any creature whatsoever."

Fourth, "Cursed is he that worships any breaden god, or makes gods of the empty elements of bread and wine." I concur fully, in renoucing, in the strongest language which can be used, that *impious doctrine*.

Fifth, "Cursed is he that believes priests can forgive sins, whether the sinner repents or not; or that there is any power in earth or in heaven, that can forgive sins, without a hearty repentance and serious purpose of amendment." I consider the doctrine *wicked and impious*.

Sixth, "Cursed is he that believes that there is authority in the Pope, or any other, that can give leave to commit sins, or that can forgive him his sins for a sum of money." I repeat the same.

Then the thirteenth, "Cursed is he that believes that the Pope can give to any, upon any account whatsoever, a dispensation to lie or swear falsely; or that it is lawful for any at the last hour, to protest himself innocent in case he be guilty." I reject the doctrine with **GREAT ABHORRENCE**.

According to the doctrine of the Roman Catholic church, the obstinate belief of error which has been condemned by the Catholic church, is called heresy: any

contumacious error in faith, any obstinate denial of an article of the Catholic faith, is called heresy in the ecclesiastical sense; of the word: we at present use the word heretic very sparingly; we choose rather, as it is an offensive word, to say "our dissenting brethren," or "our separated brethren," or something of that kind; the original import of the word HERETIC is merely a *chooser of his own religion.*

The doctrine of the Roman Catholic church, with respect to the salvation of heretics, is very much the doctrine of the Established church, and that of every other Christian society, who hold that man owes to God the homage of his understanding as well as that of his will, and that therefore we are as much bound to believe the things He has revealed, as to do the things He has ordered; and therefore any one who, through his own fault, does not submit to the faith which God has revealed, and ordered to be believed, we consider as a sinner, like any other sinner, and, of course, to be treated as such; it is our belief with regard to ourselves, as it is the belief of the members of the Established church with regard to them, that ours is the Faith revealed by Christ, and ordered to be believed; that faith, respecting which he has himself said, "He who shall not believe, shall be condemned." We wish all mankind to be saved, but we are not to make a religion according to our own wishes; we must submit to the decrees of Providence, that has arranged it otherwise; and since the Gospel of Christ requires faith, as an essential requisite for salvation, we must bow with reverence to that decree; we cannot make a Gospel through a mistaken liberality, and lead people into error, by telling them they are safe in choosing a religion for themselves, such as may appear best to them, except they employ the usual means to arrive at a knowledge of that faith which God requires of them. With respect to Protestants, however, I must say this, we do not hold that all who are not united externally to the Catholic church, are to be lost; we even hope that many who are attached to other bodies of Christians, may (not having a sufficient opportunity of becoming acquainted with the true Faith) be treated with mercy before the Supreme Judge. All Protestants who are baptized, become, by the very act of baptism, members of the Church of Christ, children of God, and heirs of everlasting life; and if they die at any period before they lose that innocence which is restored to them in baptism, and their consequent title to heaven, they will of course obtain that immortal kingdom. *At what period they may lose that title, or whether they lose it at all, it is not for us to judge; it is the business of GOD, who sees into the secrets of hearts, and who knows the opportunities which each individual has to arrive at a knowledge of the Faith which He has revealed, and who will judge HIS creatures with mercy.* A person baptised; growing up in ignorance of what

we consider the true faith, and without the means of arriving at it, if he do not commit any other grievous sin to exclude him from heaven, will reach the glory of God's kingdom with as much certainty as any one externally united to our body; that is our belief with regard to external unions. We hold, that faith is necessary to salvation, because God has so declared it; He has declared, that they who do not believe, shall be condemned. With regard to individuals, we pronounce no judgment, because it is He alone who can decide upon the sentiments of a man's heart. I beg to add with regard to Protestants in particular, that in their infancy they are rendered, by baptism, heirs to everlasting life; and that nothing can deprive them of the title, thus received, to the inheritance of heaven, but some actual sin; whether that be the sin of refusing, through their own fault, to accept the faith that God has revealed, or any other actual sin. I believe the Protestant church teaches something like that in its 18th Article, which pronounces them accursed, who will say, "that every man shall be saved by the law or sect which he professeth, so that he be diligent to frame his life according to that law, and the light of nature;" and in the 8th Article, it adopts the three creeds, one of which is the Athanasian, in which the doctrine of exclusive salvation is very distinctly marked.

We conceive a person, once baptised, may lose his title to heaven, by any grievous transgression of the law of God, whether it be a violation of *faith* or of *morals*.

The Committee find, in the abstract of the Douay Catechism, a question is asked, "What is necessary to save a man?" the first thing answered is, "Faith?" St. Paul gave the answer before, when he said, "Without faith, it is impossible to please God."

Then the next question that follows, is, "What is the opposite faith?" which is followed by the answer, "Heresy;" the nature of that heresy which is the opposite of saving faith, according to the question in the abstract of the Douay Catechism is any obstinate error in matters of faith; any culpable and obstinate error in matters of faith.

The non-participation of the doctrines of the Roman Catholic church, is considered heresy, when that non-participation is culpable, which God only can know.

Calvin, I think, writes as follows, in the 64th Institute, chapter the 1st, "*Extra ecclesie gremium nulla est speranda peccatorum remissio nec ulla salus*. The same doctrine is taught in the profession of faith of Strasburgh, presented to Charles the Fifth, in 1530, and by most Christian societies. In that of Switzerland in the year 1566, in that of the Low Countries, and in that of Scotland in 1647.

Before the subject of the temporal punishment of sin, I should say, the temporal punishment of sin may be either in

this world or in the next ; if it be in this world, it may be any temporal visitation from God, or any voluntary infliction of penance by fasting and prayer, and self-denial ; and if it be in the world to come, we hold that it is in a middle place, which is neither heaven nor hell ; a kind of punishment known only to God, inflicted until the last remnant due to his justice is purged away. The temporary punishment of sins in this world, are any means that God may think proper to employ to punish his creatures, or any austeries that the penitent himself may, in the spirit of penance, practise.

A priest of the Roman Catholic church, by granting an indulgence, or by withholding an indulgence, can avert or accelerate the wrath of God, as far as the temporary penalty of sin is concerned. The grant of an indulgence is accompanied, as a condition for obtaining it, by an injunction to perform some act of piety ; it is a change of punishment from one species of austerity to another more suitable to human infirmity ; a kind of commutation, which commutation is admitted in the canons of the Protestant church ; it is admitted, and laid down in Burn's Ecclesiastical Law, that there are such things as commutations of penance in the Protestant church. It is our belief, that prayers in this world are of use to accelerate the passage of the soul in purgatory to future bliss ; indulgences, however, cannot reach beyond the present life, except as far as God may be pleased, through the merits of Christ, to accept our prayers for the release of the soul in purgatory ; the church has no power, by right, to grant an indulgence for the relief of souls in purgatory, except by way of suffrage or prayer ; but our prayers, offered through Christ for that purpose, are considered to be efficacious, in such a degree as is known only to God.

According to the doctrine of the Roman Catholic church, marriage is a sacrament ; according to the doctrine of the church, it is also a civil contract.

There are certain degrees of affinity, within which it is not allowed by the principles of the Roman Catholic religion for parties to marry : but suppose parties do marry within those degrees, that marriage is void. But the circumstance of that voidance would not entail penalties upon the parties in civil matters ; the issue of that marriage would inherit in the same way as if the marriage were wholly valid, because it is the law that decides that the marriage retains all these civil effects that the law gives it ; the children would be legitimate in point of law, as heirs ; in an ecclesiastical sense, they would not be.

The penalties, in the ecclesiastical sense, which parties so marrying within the prohibited degrees would be subjected to, would be the refusal of the administration of the sacrament, as persons living in the guilt of sin. Supposing a child of such a marriage wished to become a member of the Roman Catholic

ministry, there would be an objection to his taking orders in our church.

The Pope possessed a power to dispense with such penalties, but bishops do not exercise that power in the Roman Catholic church; and under no circumstances, would the children of such marriage be subject to any civil penalties whatever. And, as a prelate to the Catholic church, I should most certainly consider the issue of such marriage as legitimate heirs to the property of the parents.

With respect to any of the sentences of your courts, either of civil or ecclesiastical jurisdiction, I should not consider that, according to the doctrine of our church, any co-active step could be taken to resist those sentences, or to interfere with them, except those sentences should go, for instance, to dissolve the marriage, which we, in our church, hold to be valid: we would refuse the parties the sacraments of our church; but by no means as to any civil measure.

In short, where the law of our church differs from the law of your church, our sanctions are merely of a spiritual nature.

In case of divorce, the Roman Catholic church does not allow of breaking the matrimonial chain; our doctrine is, that what God has joined together, man cannot separate; and when once the tie of matrimony is formed, it is only death can dissolve it. Suppose parties are divorced by a decree of the civil court, and that either of the parties afterwards wishes to marry, and makes application to a priest of the Roman Catholic church to marry them, that priest will certainly refuse. Neither of the parties could *conscientiously* enter into the state of marriage, but they can *legally*; and that marriage would have the same *legal* effect as a marriage formed with what we call impediments, that is, within the prohibited degrees.

Still it would be the duty of every Catholic priest to refuse to perform the ceremony of that marriage; the Pope has no power of dispensing with that part of the discipline; we consider that as decided by the law of God, and the POPE *can never dispense* with the law of God.

There is a vulgar error, that the kingdom of Ireland is a fief of the popedom; there is no foundation for that assertion, it is annexed, and I hope *inseparably annexed*, to GREAT BRITAIN.

It will be observed, that I take a distinction, with respect to the differences between the decisions of our ecclesiastical courts and yours, between that class of them which arise from the interpretation of the sense of scripture, and that class of them which arise from a difference between the law by which you judge of the rules of consanguinity; the one is merely the law of the church, which the head of the church can dispense with; the other we contend to be the law of God, which no earthly power can dispense with. Nor do we conceive that

the Pope has any authority to overrule our sense of the true interpretation of scripture.

Upon the subject of the government allowing a stipend to the Catholic priesthood in Ireland, in the event of Catholic Emancipation being carried, and this arrangement being made a part of the final settlement of the country, I would not see any material objection to the Catholic clergy receiving a stipend; but supposing Catholic Emancipation were not carried, I do not think it would be acceptable, either to the people or clergy. Supposing such a stipend was agreed upon and granted, I imagine that the law would regulate the claim; and that it should not be revocable at will, but, given, on the one hand, so as to preserve the independence of our church, and on the other, to preserve that degree of subordination which should subsist between the inferior clergy and the prelates of the church.

Whether it ought to be attached to the different benefices, or given to the individuals, would be a matter of regulation, to which I have not finally made up my mind.

I should have no objection to a certificate of loyalty being required, before such allowance was paid to a clergyman, if that certificate were to come from the authorities of our church; and I think it would be a useful thing to have that certificate. Again I conceive there would be no objection to securing the domestic nomination of the bishops in the Roman Catholic church in Ireland; I think rather it would be an advantage; at present it is vested in the Pope, but he does not exercise it, except at the recommendation of some portion of the Irish clergy.

Neither should I think it an objectionable measure, to prevent any foreigner from being appointed to a see in the Catholic church in Ireland; and I would extend that to all benefices in the Catholic church; but there would be very great objection to the crown having a power of interfering in any way, directly or indirectly, in the change of the lower clergy from one benefice to another; there would be no objection, on the members of the Roman Catholic hierarchy being promoted from one rank to another, that the same certificate of loyalty and domestic nomination should accompany the change which accompanied the first appointment. At the same time, I should not like to give up wholly the foreign education, because it is calculated to excite a kind of emulation which I think useful. I was, myself, educated upon a foreign fund in Spain, and that fund was wholly under the controul of the King of Spain.

If, however, it should be thought advisable, for the security of the State, that that practice should cease, and if an equivalent were given in this country out of domestic funds, I am sure there would be no objection to a perfect assurance

being given, that parties to be appointed or promoted in the Catholic church, should not have been educated or supported out of any such foreign fund. There are at present, some funds that were originally created by gifts of Irish families, that are at present subsisting in France, and claimed to be under the controul of the government of France; amounting to about 3,000*l.* a year; and so far from the French government, or any other persons acting under their authority, expressing any interest about that fund, the present King is giving more power over that fund to the people in this country, than was given before; he has appointed a president, at the recommendation of the clergy of this country. I do not think they claim a right to keep up an intercourse with Ireland, or that they express a wish so to do, on account of the management of this fund; they consider these funds to be placed under their guardianship, and they do not allow them to be removed from France, they continue under their trusteeship; but latterly they have given us a great degree of power over them, they have appointed a president, an Irishman, who is at the same time administrator of them, recommended by us.

Necessarily in the administration of them, as they are at present constituted, there must be some intercourse with respect to them, kept up between Ireland and France. This administrator must of course return his accounts to the French ministry.

They have no claim whatever with reference to the selection; there are certain families, who originally formed the fund; and the representatives of those families, in some instances, retain still the right; and in other instances the right is devolved upon the bishops; and when once a person goes, regularly presented from the competent authority here, he is admitted on the fund without any further hindrance. All that they claim is, that the fund should continue in France, and be administered, of course, under their controul; till latterly they exercised a very tyrannical power over these funds, they appointed a *bureau gratuit*, and this bureau managed, or rather mismanaged, those funds very much; but at present there seems a better disposition, and they seem more inclined to do justice.

The Catholic priests are now paid by voluntary monies raised amongst their flocks. If a stipend was regularly paid them by government, I think there are certain fees, established by long usage, that they would feel a reluctance to give up, which are received by the ministers of almost every church, on marriages and burial services, and christenings; but the other voluntary offerings which are given, they certainly would give up without any hesitation.

I have before stated, that in my opinion, it would not be proper for the Crown to have any direct or indirect interference in the appointment of the Catholic clergy; I think it would

not be useful, either to the Crown, or to us. I apprehend, that we could serve the Crown much better by being left independent of it, excepting indeed that necessary dependence which all authorities of the State have. This objection depends both upon political and religious opinions. I say, as far as I am concerned, wholly upon religious opinions, because it is our duty to serve the people, and to serve government; I think we could do that more effectually, by being left as much as possible to ourselves, without the interference of government.

I think it would be injurious to the discipline of the Catholic church; and I do not know that it is recognized in a Protestant government any where. And even supposing that by a treaty with the Pope, he was to admit of such an interference, in my opinion the Catholic bishops in Ireland, would object to it, if that interference were to be in a material degree; in making such an agreement, they would consider him not as exceeding his power, but out-stepping the limits of prudence and wisdom, and discretion, and would feel themselves justified, in consequence of that, in objecting to such a treaty.

There would be no objection to the government naming a commission, consisting of prelates of the Roman Catholic church, through whom the loyalty and the domestic nomination and education of the several functionaries should be certified to them; on the contrary, we should be most anxious to have an opportunity of certifying to government, the loyalty of every one who is employed as a functionary of our church.

Nor would it be necessary for the Catholic prelates to obtain the consent of the Pope, previous to their engaging their co-operation in such an arrangement as to domestic nomination; because the Pope has already signified his readiness to acquiesce in it about ten years ago.

Supposing the Pope were to agree to any thing, which in the opinion of the Catholic prelates in Ireland, exceeded his authority, we would of course deem ourselves at liberty not to acquiesce in his decisions.

But the authority of the Pope is defined in such a manner that it would be easy for the Catholic prelates to decide, whether he exceeded his authority or not.

With regard to submitting the bulls and briefs, and other documents from the Pope to the Catholic clergy, to the inspection of government, before they were transmitted to the authorities to which they were directed, if we look at the substance of those communications, I do not find there would be any great difficulty; but I would find a great difficulty in submitting the private communication of any gentleman to another, without his consent. Every brief or rescript is a private communication, a communication from one gentleman to another; and I would not think myself authorised to show any

gentleman's letter to another, without his consent. Therefore supposing the Pope consented to such an arrangement, I should see no objection to it then.

The communications with the Pope are wholly of a spiritual nature ; there are some confidential communications regarding the consciences of individuals, and it would not perhaps be right that those communications should pass into other hands than those immediately concerned ; and I would certainly object to submit those spiritual communications to any lay tribunal, or to any tribunal that was not of our own persuasion. There would perhaps be no objection to submitting this communication to a commission of our own bishops, to be named by the Crown, in the manner before-mentioned, provided the Pope consented that his communications should be so submitted; and I think, even with respect to the objection founded on the rights of individuals, it might be done in such a way as that the particular person should not be marked out ; A. B. or C. D. would be a sufficient mark to distinguish the individual for whom the matter was intended, without communicating his name. At the same time I think there might be instances where one might feel an objection to allow a communication on a confessional case to go into any other hands than those of the parties concerned ; although I think it might be so regulated as to conceal the name of the person by letters, or something of that sort. I am aware that that restriction exists in Protestant kingdoms, for instance, in the kingdom of Prussia, and in the kingdom of the Netherlands ; and in Catholic kingdoms too ; sometimes by virtue of a concordat with the Pope himself ; then he abandons his own right, and we cannot object to it ; if he chooses to do it, we should most readily acquiesce in it.

I have before stated that I think there would be no objection on the part of the Roman Catholic prelates to preventing foreigners being appointed to benefices and dignities in the Roman Catholic church in Ireland ; and we should be glad that a law were enacted to prevent the introduction of such persons, and which might be done without an agreement with the Pope, before hand ; and such a law would excite no kind of feeling of dissatisfaction in the Catholic population.

The present Pope considers himself bound by the decisions of the last, in the same way as a subsequent government, in this country, would be bound by the acts of the preceding government ; and the Catholic prelates in Ireland consider themselves sufficiently authorised by that decision to co-operate in an arrangement of that sort without further application to the Holy See.

I remember the rescript of a person called Quarantotti ; and the Roman Catholic prelates protest against that rescript very earnestly, on the ground that it allowed a certain interference

in the appointment of the Catholic bishops in Ireland, which interference they thought would be injurious to the Catholic religion. That rescript acknowledged the principle of a royal veto, and also the principle of inspecting correspondence. We considered that as coming from Quarantotti, and a very limited council, which was left under the dominion of the French authorities in Rome. He was a very weak old man, and he had himself incurred the displeasure of the Pope during his captivity, by having taken an oath of allegiance to the French authorities, always guarding however, as he thought, his allegiance to the Pope. Nevertheless, it was still such as to incur the displeasure of the Pope, and the latter would not for some time admit him into his presence. Had that rescript come from Pius the Seventh himself, the Roman Catholic prelates would have equally protested against it. We would not have protested against it on the ground that the Pope had exceeded his power, but that he had exceeded the limits of prudence and discretion; that he was not sufficiently acquainted with the circumstances of our country; and of course that we could not conscientiously help submitting this fact, and reminding him of the danger to which he exposed our religion.

I am not aware that there has been any arrangement made in other countries, in which Protestant sovereigns have exercised a power equal or similar to that which it was proposed by that rescript to convey to the King of England in the kingdom of Prussia. At present, in virtue of a concordat which was established a very few years ago, the nomination is vested in the Catholic chapters of Prussia; and the king of Prussia has given an endowment or establishment to the clergy: but he has no right of interference that I am aware of, and I have seen the decree: he has no privilege of a veto.

The emperor of Russia being the head of a despotic government, recommends a certain individual to the Pope; and the Pope, that the Catholics of that country may not be persecuted, if he finds no canonical objection to the individual, appoints that individual of his own authority, without any reference whatever to the recommendation of the emperor; he studiously avoids saying that such a person had ever been presented: in the fulness of his own authority he appoints him; but he is pleased to appoint the person so presented, if he feels no objection to him. It was the same in the kingdom of Prussia, before the concordat which I have just mentioned. The king of Prussia named a certain individual; the character and qualities of that individual were examined into; if the Pope saw no difficulty, he appointed him; but he made the nomination in the fulness of his own power, without any reference to the presentation.

In those cases it is a species of compromise between the court of Rome and the courts of Prussia and of Russia; the

Pope does not wish to enter into collision with those ~~sovereigns~~, and he therefore allows it to go on in that way.

The King of Prussia has nothing resembling a *conge d'élu*, in the appointment to the chapters. It would be perhaps less injurious than in some other countries if he had done so, because Silesia, the country chiefly in question, is principally Catholic, and not distracted by party feeling; that is quite a matter of prudence, to be regulated according to the circumstances of the place. But suppose the Pope did make such a concession to the King of this empire, what the conduct of the Roman Catholic clergy of Ireland, under such circumstances, would be, I cannot say, but I think it would excite a very painful sensation, and might lead to very disastrous consequences; but I think it is almost an impossible case. It has never occurred that such concordat has been entered into by the Pope with any Protestant prince.

It has never entered into our minds, as a part of Catholic Emancipation, that the Roman Catholic bishops should take their seats in the House of Lords; the bishops of the established church take their seats in the House of Lords, as barons, which dignity they have from the crown; we can have no claim to such a dignity. Moreover there neither exists any hope nor any wish on the part of the Catholic clergy, to interfere with the temporal possessions of the established church, nor to disturb the present establishment, nor to partake of any part of the wealth that it enjoys; nor any objection to give the most full and entire assurance on that subject, by any declaration that may be required of them.

Though the Catholic clergy of Ireland might not wish to interfere with the property of the Protestant church, it is a general feeling among Catholics, as well as Protestants, that the establishment is unnecessarily rich; but I do not observe any feeling in *Catholics*, as *Catholics*, to exert themselves for its curtailment, more than Protestants; that feeling is rather an opinion of political economy, than a religious feeling; the Catholics complain very much of the obligation of paying tithes to Protestant clergymen, in common with Protestants, and they have this additional ground of complaint, that they receive *no service* for it. It is a complaint, that they have to pay two churches, from one of which they derive *no return*. According to an idea thrown out, in a question which has been put to me, it would seem, that in the event of emancipation they would not have to pay from their own pockets exclusively their own clergy, and of course then there would be a greater disposition to bear with patience the burthen of supporting the Protestant clergy on the subject of tithes in Ireland.

As far as I am acquainted with them, I believe that the disturbances with respect to tithes, have chiefly taken place in

those parts of Ireland where the tithe of potatoes was collected. I am not myself particularly acquainted with any part of Ireland where those disturbances have taken place: the tithe upon potatoe is the greatest cause of dissatisfaction connected with the tithe system. And I think it will be found, that the insurrections, in different parts of the south and west of Ireland, have been directed as much against the payment of dues to the Roman Catholic clergy, as against the payment of tithe to the Protestant. There are lay impro priators in Ireland, who receive tithes as well as the clergy; and I believe the people feel as great an indisposition to pay tithe to alay impro priator, as to an ecclesiastic; they are sensible that it is a burthen upon the property which they hold, whether it is paid to the church or to the laity; and I think that the Protestant clergy find as much difficulty in getting the tithe from the Protestant parishioners, as from Roman Catholic parishioners, and very often more, from their being more able to resist.

I am not at all acquainted with the operation of the tithe composition bill, but I have heard that where it has been carried into operation, the effect has been favourable; but I am not personally acquainted with any case in which it has been carried into effect.

I have heard that it divides the burthen more equally, and relieves the poorer classes.

I would make one observation on public processions in the streets; I would not think it at all advisable, in a country so mixed as ours is, where the different denominations are blended together, and where, of course, one description of persons might receive ground of offence from those external ceremonies, that they should be suffered to take place out of the place of worship.

I have heard that there have been great objections made against the Church Establishment in Ireland, particularly by Irishmen; but if any attempt were made to new model the Church Establishment, not to take away its riches, but to allow them that wealth in a different way, I am not aware that the great body of the Catholics would trouble themselves much about the manner in which it would be employed, provided that the pressure was to continue the same, and that it was to be levied in the same way.

But if there were an attempt made to relieve the peasantry of the payment of tithes, and to appropriate the landed property of the church to the payment of bishops, deans and clergy, and to the repair of the churches, and to the encouragement of education, and perhaps other purposes connected with church matters, I think there would be a general feeling, amongst both Catholics and Protestants, to rejoice at any plan which would remove the people from unnecessary burthens, or to employ the fund in such a way, as would be of general

service; I do not think the Catholics are more particularly interested in that, than the Protestants; it is the burthen itself that is oppressive, and not the circumstance of the persons to whom it is paid; for I think the Catholic population would not exert themselves more strongly to get rid of tithe, than they would of the burthen of any other tax.

In any opinions I have heard respecting this question of church reform, I think the Protestants are equally anxious with the Catholics; and it is my opinion, that any class of men, either Catholic or Protestant, in any country, if they found themselves peculiarly aggrieved by any particular tax, would naturally be very glad to be relieved of that by any means the legislature of the country could possibly provide.

The Most Reverend *Oliver Kelly*, D.D. Titular Archbishop of Tuam, Examined.

I have been Roman Catholic Archbishop of Tuam, since the year 1815.

In my opinion the Pope derives his authority from Jesus Christ. He is the successor of St. Peter, and holds the same rank in the church that St. Peter did among the Apostles; he is the first bishop and head of the church, and enjoys a primacy, not only of honour, but also of jurisdiction. His authority is distinctly defined; and besides the ordinary episcopal power, which he enjoys in common with the other bishops, he has the authority of presiding over the universal church, and of governing it according to the canons. The duty which the Roman Catholic owes to the Pope, and that which he owes to the king under whom he lives, are really and substantially distinct, inasmuch as they regard different matters. The duty which he owes the Pope, is confined to matters spiritual, and affecting ecclesiastical and religious matters. This duty is by no means incompatible or inconsistent with his social duties; it does not clash in any manner whatsoever with the civil allegiance which he owes to the king; on the contrary, his bounden duty, as a Catholic, is to pay obedience and submission to the civil authorities. The principles which the Roman Catholic church teaches, with regard to civil duties, are, that subjects are to obey the king, and all those placed in authority under him; they are to be amenable to the laws of the land.

It never was admitted as a doctrine of the universal church, that the Pope could exercise temporal jurisdiction without the limits of his own territory; there may have been some individuals who held that opinion, but it never could be called or considered the doctrine of the Roman Catholic church.

In point of fact, that doctrine was resisted by the north of Europe, whilst it was admitted by many persons in the south-

ern countries of Europe; and hence the difference between Transalpine and Cisalpine principles, the Transalpine and Cisalpine doctrines, in respect to the authority of the Pope, differ; but what we call those doctrines, are doctrines held by individual divines of one country or the other; but I am not aware that there is a Catholic divine in existence at present who holds the doctrine of the Pope having temporal power or authority over independent states.

The Roman Catholic doctrine, in respect to bulls from the Pope, is, that they are always to be treated with respect; but if those bulls or rescripts, proceeding from the Pope, do contain doctrines or matters which are not compatible with the discipline of the particular churches to which they may be directed, they feel it their duty then to remonstrate respectfully, and not to receive the regulations that may be contained in the bull or rescript which may emanate from the Pope.

Upon the subject of praying to saints, Roman Catholics believe that the blessed saints in heaven, replenished with charity, pray for us, their fellow members, here on earth. Roman Catholics believe, that the saints, seeing God, they see and know in him all things suitable to their happy state; that God may be inclined to hear requests made in our behalf by them, and to grant us many favours through their intercession. This manner of invocation is no more injurious to Christ, our Mediator than it is for one Christian to beg the prayers of another in this world, as Saint Paul did.

When Roman Catholics are said to pray to the Virgin Mary they do not consider that she can grant favours of herself, but that she may, through her powerful intercession, obtain favours from God for us.

Roman Catholics allow a certain veneration, or honour, to be given to relics, and to the images of Christ, and his saints who have departed this life in the odour of sanctity; and they consider images useful, inasmuch as they may occasionally remind them of certain subjects and points of doctrine and religion, which may be most conducive to their spiritual welfare; but they renounce all adoration and divine worship of images and pictures. The Almighty alone they worship and adore; and pictures are used to excite our thoughts to heavenly things; and the honour or respect given to pictures and images, or relics of those pious persons who lived here on earth, has reference only to the *character represented*. They consider, that they may be useful in reminding them of circumstances connected with religious duties; beyond that, they attach no importance to them. I know it is stated in a publication called A Protestant Catechism, showing the principal errors of the church of Rome, that "Roman Catholics pray to angels and saints, to intercede for them, and save them by their merits," but that is not a correct statement by any means;

saints or angels cannot save us by their merits, except so far as they may be available in their intercession with the Divine Mediator. Neither do they invoke angels or saints with the same spirit with which they invoke the interference of our Saviour ; they address the Saviour *as their MEDIATOR, as their LORD, and as their God* ; and they address the saints as the *servants or creatures of God*, who have died in favour with Him. They can give them nothing of themselves, they only intercede with God for them. If they were to pray in any other manner to them, than of intercession, I should consider it an error, and that it would be asking of them what they had not the power to give ; praying to them to save them by their merits would, in point of fact, be admitting another Mediator between God and man, besides Jesus Christ ; if they thought the saints could save them by their own merits, without the mediation of Jesus Christ.

There is in the same book, a question, “ What do you think of the frequent crossings, upon which the papists lay so great a stress in their divine offices, and for security against sickness and ill accidents ? ” the answer is, “ They are vain and superstitious. The worship of the crucifix or figure of Christ upon the cross, is idolatrous ; and the adoring and praying to the cross itself is, of all corruptions of the Popish worship, the most gross and intolerable ; ” so far from that being correct, the Roman Catholics renounce all divine worship, or adoration of the cross ; they use it as a memorial of the passion and death of our Lord and Saviour Jesus Christ ; it reminds them of his sufferings and death for us : but the crucifix or the cross, has no intrinsic virtue or efficacy in it, more than any other inanimate substance ; it is merely a memento to impress upon our minds, the mediation of Jesus Christ, and that it is through him alone, that we can expect salvation ; the respect and regard which the Roman Catholic bears to such image or crucifix, is of the same nature as that which any other person might bear to a picture of a dear and absent friend. There is no divine worship of images, of idols, or of relics, in our church. And therefore I conceive, that the charge of idolatry which is brought against our church is *most unfounded*, inasmuch as we do not have recourse to those images, for any other purpose than what I have already mentioned ; they are *books for the illiterate* ; by looking at the crucifix, they are reminded of the death and passion of our Lord ; further than that is not expected or desired.

In this same catechism, there is, upon the subject of penance, a statement, that the sinner is allowed to get another person to do penance for him ; and besides, the Pope grants indulgences, whereby he remits all penances, not only of sin past, but sometimes such as shall be committed for a great number of years to come, or during a man’s whole life ; and

these indulgences, which cannot but be considered as licenses for sin, are publicly sold for money ; upon that statement, I would observe, the doctrine of indulgences in the Catholic church does not by any means imply the idea, that sin can be remitted by indulgences ; sin, according to the doctrine of the Roman Catholic church, can never be forgiven, without a sincere and hearty sorrow, accompanied with a firm purpose and resolution of amending life ; and when the sinner, so disposed, avails himself of the sacrament of penance, his sins are forgiven by sacramental absolution ; but indulgence in the Roman Catholic church, never meant the forgiveness of sin, or of the pain eternal due to it. Indulgence means the *remission* or *relaxation* of the *temporal punishment due to sin*, after the eternal guilt and punishment had been previously remitted. There can be no indulgence for sins to be committed at a future period ; and there is no authority in the Catholic church, and there never did exist an authority in the Catholic church, which assumed to itself the power of giving leave or indulgence to commit sin at a future period. Nor have I ever known an indulgence to be sold for money ; I have read in books, that have been written against the Catholic religion, that it was the practice in the Catholic church, to sell indulgences ; but this is a misrepresentation and a mis-statement of the doctrine of the Catholic church ; in some instances, there may have been a commutation of temporal penances, and pious pecuniary contributions may have been substituted in lieu of some other atonement. But if *mistakes* and *abuses* have been committed, in granting indulgences, through the *ignorance* of particular persons, such abuses cannot be reasonably charged on the church, as it rejects and condemns those practices. I am not aware how far that commutation may be practised at present. In the Catholic church, every sinner is required to do penance for himself. He is at liberty to avail himself of the prayers, and the good works of others, in his behalf ; but in no instance could that excuse him from doing penance himself. In the Catholic church, we set no value upon the external act of penance, unless it be accompanied by repentance ; unless in fact, it be accompanied by sorrow and contrition for sin, with a firm resolution not to relapse into it.

Therefore to the doctrine of repentance, as distinguished from penance, there is superadded the outward mark, which the Catholic church has connected with that change of mind. The usual external marks of penance which are imposed, for example, in my diocese, are various ; fasting, prayer, alms, deeds, and other good works. In some instances, pilgrimages may be imposed as penances ; it is not a general practice.

The pilgrimage they perform in Ireland, generally speaking, is voluntary. I have forbidden performance at wells, not that I consider it evil in itself ; but in consequence of the

abuses, which I have known to arise from those performances, I have thought it prudent to endeavour to put a stop to them, and have in some degree succeeded. When I say the church has the power of removing a temporal punishment of sin, by that I mean the penance enjoined. The indulgence consists in the remission of the temporal punishment that may remain due after the eternal guilt is remitted ; this indulgence cannot be gained, unless the sin be previously forgiven ; and after the sin and eternal punishment due to the sin is forgiven, then the indulgence remits the temporal punishment, or a portion of the temporal punishment, that is due after the sin is forgiven. The indulgences in Ireland are granted by the Pope generally, passing through the medium of the ecclesiastical authorities : they are sent to the ecclesiastical authorities, and they announce them to the faithful, who are at liberty to avail themselves of them. There are some indulgences granted for the entire kingdom ; there are other indulgences granted to particular dioceses. There are certain conditions generally required, in order to obtain the benefit of an indulgence ; one of the conditions is, to approach the sacrament with proper dispositions, as inward sorrow, detestation of sin, and a firm purpose and resolution of amendment ; when those conditions are complied with, on the part of the penitent, then the indulgence extends to him.

It is stated in this same catechism, that Roman Catholics hold that faith is not to be kept with heretics, and that the Pope can absolve subjects from their oath of allegiance to their sovereign ; there is not the slightest truth in those two accusations, or the most remote ground for them ; as a minister of the Catholic church, I feel it my duty to declare, that I have always considered it imperative on me to impress on the minds of those who are under my spiritual care, that they are bound to keep faith with heretics, and all those differing from them in religion, as strictly and as rigidly as they would towards persons of their own communion. With respect to the allegiance that is due to the sovereign, the Pope has no right of interference whatsoever ; we recognize no power in the sovereign pontiff, or in any other authority, to absolve us from the allegiance which we owe to our king.

By heretics, I would not be understood to mean all persons who are not of the Roman Catholic communion ; as there are many who are not within the communion of the Roman Catholic church, who yet are not heretics. The individuals belonging to the Greek church are not considered as heretics, by the Roman Catholic church ; they are considered as schismatics. According to the doctrine of the Roman Catholic church, to constitute a heretic, contumacy in error with respect to matters of faith is necessary ; and where there is not a consummaceous adherence to error in matters of faith, there is no

heresy. I do not conceive that there are many, who are not of the Roman Catholic communion, whom, when it is their conscientious belief that they are not denying any thing which is essential to salvation, and that they have no means of having their error removed, by any means can be considered as heretics, though they may not belong to the visible body of the Roman Catholic church.

Although the Catholic church would regard many of the members of the Protestant establishment as heretics, it does not necessarily regard them all as heretics, on account of their differing from the Roman Catholic church. I have already mentioned that, in order to constitute a heretic, contumacy in error concerning matters of faith, is necessary; I think there are many who are invincibly ignorant of those articles of faith which we hold to be essential, and their being unacquainted with them, and having no opportunity of removing the error under which they labour, is a sufficient ground for not considering them as heretics. What I mean by the word contumacy is, a refusal on the part of an individual to embrace doctrines necessary to salvation, after having had a sufficient opportunity of being convinced of their truth. If a person was not conscientiously convinced of the necessity of believing such doctrine, I should consider him free from the guilt of contumacy; but when he has had sufficient opportunities of being instructed and enlightened, and he still continues to hold what I consider erroneous doctrine, I do no longer consider his error involuntary, I consider it voluntary, and then, of course, comes the guilt of contumacy; yet I could not undertake to pronounce sentence upon any individual; the individual is the best judge whether he has used the necessary diligence in order to remove his error; all I assert, generally, is, that those who, after having had a full opportunity of acquiring a knowledge of the truths which I consider necessary to salvation, and of having their error removed, if they still persist, I do consider such error on their part to be voluntary, and that they therefore become contumacious; but who the individuals are that are so circumstanced, is what I do not take upon myself to determine. Of course, I believe that our own church is the true church; it is the nature of every church, that the conscientious professors of it believe that their own profession is the true one. The distinction I make between Schism and Heresy is, that schism refers to the government and discipline of the church, and heresy to its doctrines.

Whether a person differs in a voluntary manner, or an involuntary manner, still I consider that Catholics are bound to keep faith with him, as well as with one of their own communion. And all other moral ties that subsist between man and man, subsist equally between a Catholic and a heretic; and we are bound to fulfil them towards those who differ from

us in religion, as well as towards those who are of the same persuasion: so that I think the committee will understand from my evidence, that it is perfectly consistent with the general belief in the mind of a Roman Catholic, that a church which differs from his own important matters of faith, may be heretical; that yet that Roman Catholic may not be disposed to visit with the severity of that opinion, individuals belonging to that church; because I think it almost impossible for one human being to look so into the heart of another as to determine positively whether he is in a state of involuntary ignorance, or of obstinate refusal to the truth—at least I would not undertake to do it. Therefore under those circumstances, that persons who differ from one another in religion are bound to the observance of mutual duties as to each other, and to put a kind interpretation upon their motives and conduct just the same as if they agreed upon every point of religious belief.

In the part of Ireland with which I am particularly acquainted, it is my opinion that the question of Catholic Emancipation engages the thoughts and the attention of all ranks of Catholics considerably. Though, in the case of Catholic Emancipation being granted, no particular or immediate benefits might be considered to be granted to the lower orders of Catholics, I am perfectly satisfied that they would receive it as a boon, and that they would feel the utmost gratitude for it, and that it would tend most materially towards tranquillizing their minds, and leaving them more at ease than they can feel at present.

I am not aware that the payment of the Roman Catholic clergy by the State, would by any means be considered a boon by the lower orders; for although in some instances I have no doubt they may feel some reluctance to pay the dues, still I think they would prefer paying their clergy as they do at present, to seeing them become the stipendiaries of government. My last observation applies to our present state. Whilst the Roman Catholic laity remain excluded from the benefits of the constitution, I do conceive that they would feel much hurt at seeing their clergy become the stipendiaries of government. If the two measures, a provision for the clergy, and the removal of political disabilities on account of religious persuasion, were made concurrent measures, I am not aware exactly what effect it might then produce; perhaps it would be then considered a kindness, provided the Roman Catholic clergy were allowed the free exercise of their functions, and there were no influence or authority, direct or indirect, exercised over them in the discharge of their duties. If, for example, the appointment of Catholic ministers were to be vested in those who differed from them in religion, they would conceive that in that case persons might be appointed as clergymen of their communion, whose selection might be influenced by

motives distinct from the consideration of their fitness for the discharge of their duties ; in my mind the objection would be, not to the clergy receiving a provision from the State, in lieu of their present payment, but to allowing an interference in the appointment of their bishops or other clergy.—It is in that sense particularly I understand it at this moment ; but in the event of a payment for the Roman Catholic clergy being connected with arrangements that would secure the independence of the Catholic clergy, as well as being connected with Emancipation itself, I believe that some of the people would have no objection, in that event, to a provision being made for them; but I cannot exactly answer what the feelings of our prelates and clergy might be on the occasion ; I would not undertake to say. As one of the prelates of the church, I will candidly confess, I should prefer remaining as I now am. I can have no objection to state, if the Committee wish me, what the value or amount of revenue received by the bishop and clergy of my diocese are, I can safely answer, although I have never made an exact calculation, my receipts within any one year never amounted to *seven hundred pounds*; and I do not suppose that, in general, they ever much exceed *five hundred pounds*. There may be three or four parishes in the arch-diocese of Tuam, where the receipts of the priests amount to perhaps about from two hundred and fifty to three hundred pounds per annum. Those parishes include the towns. The parish of Tuam is my own parish. Besides the parish of Tuam, each parish priest gives a guinea or two in the year, and for each marriage that is performed in the parish, there is a certain portion of that money given to the support of the bishop ; those are the sources of his emolument as bishop.

I have the charge of Westport parish at present, as well as Tuam. It is sometimes the custom of the Catholic church to have unions of parishes, in the same manner as in the established church. On my appointment to the see of Tuam I found the revenues of it inadequate to the objects I had in view. I wished to establish an episcopal seminary, and to establish schools for the education of the poor ; and I wished, besides that, to have it in my power to give occasional assistance towards the erection or repair of Roman Catholic chapels throughout my diocese ; and finding that the revenues of the diocese were inadequate to those objects, I made application to be allowed to hold another parish along with the parish of Tuam, in order that *by receiving some emolument therefrom, I might be able to fulfil those objects I have alluded to.* I administer the parish of Westport by curates : the value of that parish I should think is about three hundred pounds a year. The principal object I had in view, in obtaining a second parish, the parish of Westport, was what I have stated ; I had other objects besides. I did apprehend, that perhaps if I were

to send another priest to the place, he would not be very kindly received by certain individuals there, and I thought that an unpleasant difference would be avoided by taking the parish in charge myself. Although I have held the parish of Westport now for nearly three years, I can declare safely, that I have not received one hundred pounds out of it during the whole time I have held it. *The poverty of the people was such, that I gave directions to the curates there, in consequence of the severe pressure of the times, and the distresses of the people in that town and parish, not to be very urgent in the collection of the dues, for which reason I have received very little emolument out of it.*

When I stated that I would rather things remained as they are, with respect to any project of a stipendiary provision for the clergy, I did not mean to carry my objection to that stipendiary provision so far as to say, that I would regret it should be carried into effect, provided it facilitated the great question of Catholic Emancipation ; on the contrary, I should be very sorry to raise the slightest difficulty in the way of Catholic Emancipation, and *I would make great sacrifices of my personal feelings* as to the mode of provision, were such sacrifices essential to the attainment of that object, inasmuch as I consider it a paramount consideration.

Upon the subject of the population of the district with which I am acquainted, I should say, for the last twenty-four years that I have been in Ireland, I have observed a very considerable increase in the population of the part of the country where I have been residing ; and I think I have been able to discover a distinction in the ratio of increase in those districts where the situation of the people is improved, as compared with the increase where the people are in a great state of misery. About the year 1806 I was appointed to a parish in the county of Mayo, along the sea coast, between the towns of Westport and Newport, and I found that the people who inhabited that district were extremely comfortable ; they were more industrious than the generality of the people in other parts of the country ; they were weavers ; they had taken spots of ground along the sea coast, and they employed themselves occasionally at the linen business, at other times in tilling their little farms, and where an opportunity offered, in fishing ; by those means they became much more comfortable than the peasantry in other parts of the country, and the increase of the population was not so rapid, and upon comparing the number of marriages which took place in a district like that which I have described, with the number of marriages that took place in the more agricultural and less prosperous districts, I have observed, that in those prosperous districts the marriages were not so frequent as I found them in more impoverished districts. In these more prosperous districts, I found that there was an

indisposition, on their part, to contract improvident marriages ; I have perfectly on my recollection that the circumstance struck me at the time, and that I inquired amongst the people how it happened ; and the reply was, that they had no idea of entering into the matrimonial state until they could acquire a competency for their own support, and the support of a family. In other parts of the country, where I observed very considerable poverty, I found a greater indifference about their future comforts than persons in a more prosperous situation in life ; so that I should say most decidedly that every measure which has a tendency to augment the comfort of the peasant, and raise his condition in society, has also a tendency to check improvident marriages.

The peasantry feel a considerable difficulty in providing themselves with habitations of a decent and respectable kind in my part of the country. There is a great want of native timber in the parts of the country I am acquainted with ; and the foreign timber is quite beyond the reach of the poor, and therefore they cannot make their habitations comfortable or convenient ; and I have heard them frequently make the remark, that if they could get timber at a cheap rate they would endeavour to make comfortable habitations for themselves ; but I am sure that if the duty on foreign timber were reduced, it would enable many to build comfortable houses, who are now obliged to content themselves with thatched cabins.

The general term of leases with us are one life, or twenty-one years, whichever may last the longest ; and although they have been told, that if they plant and register their trees, they become the actual proprietors of that timber when grown up, the planting of trees is a matter not much attended to by them ; the forms necessary for the registry may in some degree account for it. When I spoke of the expense of building houses, I alluded to the better order of the poor, many of whom I know at present do live in thatched cabins, who would, if the materials were cheaper, build more comfortable houses for themselves.

Upon the subject of marriages, I have known instances where the Roman Catholic parties have made application to Roman Catholic clergymen, and have been refused on account of canonical impediments, and the parties were subsequently married by a minister of the Established Church. Marriages are usually contracted among the peasantry very young ; in general the females marry at eighteen or twenty ; the males at twenty-one, twenty-two, and from that to thirty. Generally speaking, the females are married before they are one or two-and-twenty. The practice of subdividing land by the father or chief of a family is quite a usual thing in the part of the country with which I am acquainted, in order to enable them to contract those marriages.

With respect to the subdivision of land, and the accumulation of families upon particular districts, owing to that practice, accompanied by that of early marriages, I can recollect a farm which was originally leased to about twenty families, and I recollect to have seen sixty different families afterwards living upon the same farm, that was in the neighbourhood of Tuam; and the land upon which that immense increase of population arose was derived immediately from the proprietor of the fee; and there was no intervention on the part of the landlord; it grew entirely from the natural causes of the subdivision of the soil, and the increase of marriages. The tract of land was not very considerable, for they were obliged to have recourse to other parts of the country to have tillage, in what we call in that part of the country Conacres. The practice of conacres in the county of Galway is, that a poor man, who has not land, or a sufficiency of land of his own, takes an acre, or half an acre, or less, from some person for a single season, and takes the crop of that year off the land. The practice of burning the soil upon taking the conacres is sometimes allowed; but many persons have an objection to have their land burnt, and either process is a great exhaustion of the soil; but in the instance I have just mentioned they were obliged, for their absolute support, to have recourse to another property; although the farm upon which this subdivision took place was a very considerable farm in the first instance, it would have made the twenty families comfortable, without being under the necessity of having recourse to any other land; therefore, taking the average of six to a family, the number of individuals on this farm had increased to 360 souls, or thereabouts.

I have in some instances compared the result of my own enumeration of the people in parts of my district with the number contained in the last population returns; and so far as I have examined, I always found the population under-rated in the population returns, so that I may say, as far as my experience goes, the number of people in my district, is above the return officially made to Parliament; but in what proportion I could not exactly say, nor could I exactly adduce any instance; but the general impression upon my mind always was that the population was under-rated.

With regard to the proportion that the number of the Roman Catholics bear to Protestants in my diocese, I recollect in the year 1815 the Catholic clergy took a census of the population in the parish of Tuam, and it amounted to 6,000 souls; and at that time the proportion was, that of those 6,000 there were 380 Protestants, and the rest were Catholics. My diocese consists of the county of Galway and the county of Mayo, and one or two parishes in Roscommon. The parish priests in general can pretty nearly ascertain the amount of the Catholic population of their respective parishes; and on comparing the

population of some of the small towns in my diocese, and also the returns of the Roman Catholic clergy, with those made to Parliament, I am borne out in my conclusions of the errors in the Parliamentary Returns. In the instance of Tuam, the report was by actual enumeration; in the others it was from a calculation, knowing the number of families and averaging the number of individuals in each family. I am aware there was a return made during the season of distress in Ireland of the number of persons relieved in the county of Mayo; but I never thought that enumeration correct. I consider that it was above the actual number generally.

In enumerating the causes of the increase of population in Ireland, I should say, the facility of obtaining fuel is a great encouragement to the building of cabins; the turf bog is generally held by the landlord in his own power, and not included in the lease. I have known landlords refuse permission to cut more than a certain quantity of turf, not with the view of keeping down the population of his district, but to prevent the bog being exhausted. Having, among other causes, mentioned the subdivision of land as one great inducement to early marriages, I have reason to believe that the landlords of the country have often had recourse to that practice, for the purpose of increasing the number of freeholders in the county of Galway, and in the county of Mayo; both which counties being in part within my diocese, have afforded me opportunities of witnessing the manner in which votes are manufactured in those counties.

Tuam is a quarter-sessions town, as well as a large manufacturing town where I reside, and I have seen the registry of freeholders constantly proceeding in that town; a freehold is created; I have known landlords of the country to parcel out their lands into small portions, making leases of a life or twenty-one years to their tenants, for the purpose of enabling them to give a vote at elections. They register out of three acres sometimes. In some instances, one or more freeholders may perhaps have registered out of less.

The farms in my part of the country are generally held in joint tenancy; the population of the country in the county of Galway is usually congregated in villages, and not in separate houses; those villages are generally held under a separate lease, in which there may be ten, twelve or twenty partners; and the holders in such joint tenancy divide again, as I have before described, to their sons and sons-in-law, and the members of their families; and in some instances, are obliged by the landlord, or induced to create a freehold interest in each of the persons upon whom such small subdivisions of land have devolved; and in many instances they are brought in to be registered. I have never been present at a registry, but I have met the unfortunate people who have registered very

often, both before and after registering, and have conversed with those persons, and they have often called upon me to represent their condition, and stated that the quantity of land they held was very small ; that they were *very apprehensive about taking the oath that they were forty-shilling freeholders* ; and they requested me to advise them what to do upon the occasion. My advice uniformly was for no person to register as a freeholder unless he could do it with safety to his own conscience : I have met them afterwards, and they acknowledged to me, that *although they did not feel their conscience quite at ease, they were obliged to register those freeholds* ; that *they had been threatened to be expelled from their holdings, and to be deprived of their land, unless they registered those freeholds*. And I will, with the leave of the committee, explain what the circumstances of peasantry of that country are, in general, which enable the landlord to execute the threat of expelling them from the possession of their land ; in some instances, bog is not included in the lease which the tenant has ; and in order to get rid of a tenant, although he may have a lease, the landlord withholds the use of the bog from him, *and he can no longer keep the holding*. In other parts of the country, along the sea coast, the lands are not of value, without the help of sea weed, or what they call rack, which they make use of as manure for the ground ; and the liberty to cut this sea weed, or rack, is not included generally in the lease ; when, then, *the landlord wishes to get rid of the tenant, he has only to refuse him permission to cut rack*. Moreover, the circumstance of joint tenancy, and the failure of any one tenant in the co-partnership, gives to the landlord an indefinite power over the whole of those who hold in such tenancy, and to compel them, if registered as freeholders, to submit to his dictation. Therefore I am decidedly of opinion, that any proposition which should have for its object to discourage the joint tenancy of farms, would in itself contribute very much to raise the tenant in his own class of society, and to make him, in a great degree, more independent of his landlord. I think the joint-tenancy system is very injurious to the prosperity of Ireland.

I never was at an election in my life, consequently can give no information to the Committee of the manner in which freeholders are brought up to vote in Ireland, from actual observation ; but the general impression upon my mind is, that the system of forty-shilling freeholds in Ireland is a system replete with much mischief ; that it is highly injurious to the morals of the people ; that it is a source of perjury in many instances ; and there can, I think, be no doubt of the effect it must have generally upon the population of the country, *the being either induced or menaced by their landlords*, who are their magistrates, and who ought to be their protectors, and instigated to

the commission of the crime of *perjury* for the sake of advancing the POLITICAL influence of the person under whom they derive. Nor do I think, that the people themselves, after having so registered, set any great value upon the possession of their franchise, or that the possession of it raises them in their own estimation, or in that of others ; and if they were left free, I am convinced that many of them would prefer much being allowed to take no share in the election, under their present circumstances ; the observations which I have made would apply to both the counties of Galway and of Mayo, so far as I am acquainted with them.

As to what the effect of any legislative enactment to raise the qualification of the freeholder would be, in a political point of view, I will not attempt to offer an opinion ; but as to the moral effect of it, I am convinced they would be most happy if there was some reform in the present manner of registering forty shilling freeholders. I declare it is my opinion, that a vast number of them would consider it as conferring a great favour on them under the existing mode and circumstances, if the forty-shilling freeholders were done away with entirely. And that if such a measure were made concurrent with the grant of political privileges to the Catholics generally, such an act would be unobjectionable to the poor, and probably to the better order of the Catholics also.

Raising the elective franchise from forty shillings to a higher sum, say ten or twenty pounds, would perhaps by some be considered as likely to better their condition, others perhaps not. In point of fact, a large proportion of that class of persons who are now registered as ten or twenty-pound freeholders, or who might register freeholds to that amount, are of the Catholic persuasion in my part of the country. In towns they are unquestionably so, and the middling order of farmers is almost exclusively Catholic. And I am perfectly satisfied that the poorest description of forty-shilling freeholders would consider it a relief from what is *now* considered by them a great inconvenience, if the qualification was raised to ten pounds : and I think a great number of the better description of forty-shilling freeholders would be able to qualify at the new rate of ten pounds.

Any alteration that would check the evils of the present system must lead to the improvement of the public morals. But I think that doing away the forty-shilling freeholders as they are now, (not the real *bona fide* forty-shilling freeholders,) but the forty-shilling freeholders in *joint tenancy*, would more improve the condition of the lower classes than raising the rate of voting in joint tenancy. The better way to correct the moral evils would be to do away the system entirely. But how it would be possible to make such an arrangement I declare I could not without due consideration undertake to say ; I do not

know, at this moment, in what manner the abuse could be remedied.

I am aware that a bill passed the Houses of Parliament a year back, or two years back, which was intended to prevent the registration of votes under joint-tenancy leases ; and I am not aware the enactment of that law produced any dissatisfaction whatsoever amongst the forty-shilling freeholders. I never heard one complain of it ; on the contrary, all that I have heard speak of joint tenancy, seem to be well pleased at its being done away ; and I have often met many industrious working peasants who complained of the system of joint tenancy as subjecting them to inconvenience, and the loss which must fall on them from the failure or negligence of those who were their partners.

In the counties of Galway and Mayo, there may perhaps be a very few persons in the condition of small farmers who hold a fee of five or six acres of land, or who hold land in perpetuity to that amount. In the towns however there are none so low as that.

With respect to the principle of disfranchising the forty-shilling freeholders, I think it would be unfair to deprive men holding a fee of land of a small number of acres, or holding a lease in perpetuity, by which they have no more than a forty-shilling franchise, of their franchise.—I think that would be doing injustice to them. In short, the same reasons do not hold good with respect to that description of freeholders that hold good with respect to the common forty-shilling freeholders of Ireland. I do not consider that depriving the common freeholder of his franchise is depriving him of a right ; on the contrary, I think it is, in many instances, conferring a favour upon him, relieving him from doing that which he is unwilling to do, but which dread and intimidation induce him to do. Even in the event of disfranchising the forty-shilling freeholders in counties, and retaining them in towns and cities, I do not think the effect would be to throw the greater power of returning the members for the county into the hands of persons residing in towns, unless there exist any number of forty-shilling freeholders in towns ; if the country were divided into small farms instead of having those joint-tenancy leases, and if the inhabitants were allowed another right of voting ; for example, raising it from forty shillings to five or ten pounds. For instance, the town of Tuam consists of about 800 houses ; the suburbs and all, about 1,000. I do not know a single forty-shilling freeholder at all in the town of Tuam, which is principally bishop's property. The same observations would be applicable to Westport, or to any town of a freehold tenure which was not held under a bishop ; and I do not see the injury it would do to those who in the country would be deprived of their vote, because I do not consider they generally set

any value upon the right of voting; they derive no benefit from it.

The description of tenant inhabiting a small house in such a town as Tuam or Westport, enjoying a forty-shilling franchise, differs very much from the description of a man who at present resides, in the country and enjoys the elective franchise.

A man in a town enjoying a forty-shilling freehold is more comfortable, possesses more advantageous tenure, and more opportunity of employment. However strong the disposition amongst the Irish landlords may be to create forty-shilling freeholders, and to make their property subservient to political purposes, I do not see exactly how they could make forty-shilling freeholders in towns to any extent; neither would I conceive it expedient to preserve forty-shilling freeholders in such a town, for instance, as the town of Westport, in the county of Mayo, unless that forty-shilling freehold tenancy was a *tenancy for ever*, or a *tenancy in fee*. The class of persons against whom I object as voters out of 40s. freeholds is that of persons having only a short tenure of land; and my objection is equally applicable to the freeholders in towns and cities; and would apply all together to forty-shilling freeholders of that description voting in counties; for the poorer order of the forty-shilling freeholders certainly have no freedom of election, generally speaking. Indeed it is considered dishonourable in a candidate to canvass the freeholders of an adverse proprietor. I do not think that increase in the qualification for the exercise of the elective franchise in Ireland would diminish the Catholic interest in ~~my~~ part of the country.

I will now, with the leave of the Committee, offer some observations on the state of the chapels in the different parishes, and what is the character and degree of accommodation afforded to the population of the Catholic persuasion for the celebration of religious worship. As far as my memory has been able to serve me, without having any document to go by at the moment, I believe that there are in the arch-diocese of Tuam from about fifteen to eighteen slated chapels, and eight or ten now in progress; there are in all about one hundred and six places for catholic worship. I mean buildings of some description, for with the exception of those I have mentioned, all the others are thatched chapels; some of them wretched, none of them sufficiently spacious to contain the congregation, and in many instances the public prayers are celebrated in the open air, having no covering but the canopy of heaven. Those chapels which are of a better description are usually in the towns within the diocese. I have known congregations to average from 1,000 to 1,500 where they had not sufficient accommodation in places of worship; where that is the case, it is the practice for great numbers to assemble, and remain on the outside because there is no accommodation for them in the

inside; notwithstanding the inclemency of the weather, or other circumstances which might add to the inconvenience of their being so exposed. I have known them to resort to a place of worship at a distance of four, five and six miles regularly. I know of no Union that has not some place of worship within my diocese. I have seen some of those edifices which I have before alluded to, where the walls of the house were not above *eight* or *ten* feet high, *twelve* or *fifteen* in breadth, and *forty* or *fifty* in length, thatched; and the number of persons for whom such a building has been intended as an accommodation would amount to 1,000 or more.

I have no funds in my arch-diocese, or other resources applicable to the construction of places of worship, or to the keeping them in repair whatever, except the voluntary contributions of the faithful; the contributions of the clergy and the bishops, and the aid they receive from their Protestant brethren and neighbours.

I have been very much engaged in ~~erecting~~ chapels: of the *slated* *chapels* that have been erected, most of them have been *in my time*; I have been in the several parishes myself and have taken a part very frequently in the collection, and I do not recollect any instance of my being refused by a Protestant gentleman, when I applied to him to contribute towards a chapel.

Placing out of consideration the advantage and the comfort that it would be to the people to have suitable places for their reception, I do not conceive that any act would be more acceptable to persons of the Catholic persuasion in Ireland than some means being afforded for improving their places of religious worship; at present it is a very common practice when the inferior class of the persuasion are unable to contribute money, for them to contribute their labour, and in other ways to compensate for the deficiency of that subscription which they cannot afford to give; where it is a thatched chapel, the *poor bring straw*, and they give aid in that manner towards the repair of the chapel.

The assessment made upon such occasions, though in its name voluntary, is in point of fact, upon those who are able to contribute any thing, an obligation which cannot be avoided; and in order to reconcile the people in some measure to it, the plan I have pursued in having those chapels erected is to recommend the clergyman to form a committee in his parish, this committee to consist of the principal men in each village, and to appoint a treasurer, and that the priest, with the aid of the principal men in each village, would lay an assessment upon the people according to their circumstances; this assessment is collected in the best manner it can be, then put into the hands of a treasurer, and expended afterwards upon the building; instances have come frequently within my knowledge, where the assessment made

in this manner has fallen very heavily upon the people, and has been complained of by them, although *submitted to* for the sake of having a *place of worship*.

The only means of enforcing that assessment, is by the clergyman threatening to withhold his services from them, and reproaching them for not contributing; I know of no other means whatever of enforcing it. What I allude to is, the practice of *churching females* after their accouchment, and the clergyman, unless he finds that the husband has paid *his portion of the cess, does not church the woman* till that money for the erection of the chapel is made up. That is the only service; they never refuse the administration of sacraments by any means. There are some parishes within my arch-diocese in which there are no resident gentry of either persuasion. In both Galway and Mayo, I have two instances of the Catholic clergy within my arch-diocese, holding land in right of their pastoral character, bequeathed to them by persons of their own persuasion to be held by those who hold their office: one in Castlebar, and one in Tuam: the endowment at Castlebar was made by the late Lord Lucan; he gave a house for the clergyman in Castlebar; and in Tuam it has been a lease of a small park, a bishop's lease renewable, and the person who had this lease assigned it over to the clergyman, and the inhabitants of the town made amongst themselves a collection of a sum of money, by which they built a slated house for the accommodation of the clergyman of the town.

The trust under which that is held in Tuam, has been conveyed to me individually, and I make a declaration that I hold it for the purpose that I now mention. And if there was a power under the law of endowing parishes, or the holders of parishes of the Catholic persuasion, with houses, or with land whereon houses could be built, I think it would be carried to a greater extent than it is at present. I know there are many other instances throughout Ireland, that I could not exactly refer to at this moment.

And I have known of cases of dispossession of persons holding under such titles, not as to a glebe, but as to a chapel. The instance as to a chapel, occurred in the parish of Ballynacoll, in the arch-diocese of Tuam. There was a Mr. O'Flaherty held the lease of a farm, and he built a slated chapel for the accommodation of his family, and for the tenantry and people around him. The landlord found in the course of time, that there was some formal defect in his lease, and he broke or threatened to break it. He and the landlord came to some agreement, but Mr. O'Flaherty gave up the lease under a *verbal* understanding with the landlord that the chapel was not to be molested; but after getting possession of the property the landlord thought proper to lock up the chapel doors and not allow the faithful to resort to it as a place of worship; he con-

verted it into an *office or farm house*; that was in Connamara. I cannot state any particular case in other parts of Ireland, where the possession of lands granted either for places of worship, or for the residence of Catholic ministers, has been disputed by the proprietor, after possession has been had, and buildings erected.

I would now, with the leave of the Committee, make a few observations on the accommodation afforded for schools, and places of education; we have built large and commodious school-houses for the education of the poor in the towns of Tuam and Westport, and of Castlebar; there are schools throughout the diocese at large, established by the *exertions of the clergy*, and the contributions of the faithful, where the *poor in each parish receive gratuitous instruction*; and in *one country parish* in the arch-diocese, where there is *no resident gentlemen whatever*, the Catholic clergyman has succeeded in establishing *sixteen schools, for the gratuitous education of the poor of the parish*; he has received some aid latterly from some public fund, in money, stationery, and school requisites. All the chapels in my diocese are used as *sunday-schools*, and a great many of the country chapels are used as daily schools. By *sunday-schools*, I mean schools for religious instruction before and after mass.

In the country parishes where the chapels are used for daily schools, necessity compels us to use them; we should have great reluctance to convert the house of God into a school if we could avoid it; but the want of having any other place for giving instruction to the poor obliges us to avail ourselves of the chapels as school-houses. From the inadequacy of the places of worship, on performing parochial visitations, I have been almost in fact obliged to administer *confirmation out in the open air*, as in the extensive parishes there are sometimes *two or more congregations*, although the parishes are not very large generally.

And I do assure the Committee, the peasantry of the country regret extremely, not having places of worship when they are aware that considerable sums of money have been granted for furnishing places of worship for the highlands of Scotland; the average expense of building a chapel to contain from one thousand to fifteen hundred people in that part of the country, I should think would be from six to eight hundred pounds.

I find a very great disposition on the part of the people generally to attend to their religious duties; there are exceptions to it, but generally speaking I think there is that disposition. Their moral conduct in general is tolerably good; and there is a very great readiness on their part to take advantage of the instruction that is afforded them at the schools, as well as to come to confession. That disposition however varies very much according to the state of tranquillity, or of disturbance which prevails in the country. The inclination to come to confession when the country is in a state of disturbance diminishes

considerably; and I have invariably found that the individuals who cease to come to confession, are connected or concerned in disturbances in the country; for instance, in the year 1820, the diocese of Tuam was at that time considerably disturbed. At that period I recollect we could not persuade them generally to comply with their religious duties.

In a parish in the immediate vicinity of Tuam, and in all the parishes where the disturbances prevailed, I found an indisposition on the part of the people to attend their religious duties, and even their attendance at prayers on Sunday was by no means so regular as it was previously and subsequently thereto.

I experienced myself that my influence was very much impaired, and that those who on all former occasions paid very great attention to my advice, disregarded it upon that occasion. There was at that time a great alteration from the habit of respect and deference which they usually paid to their pastors. I had to go to several chapels on that occasion to address the people, and I have known instances where, after I had retired, some of those refractory persons assembled the people, and endeavoured to persuade them not to pay any attention to the advice I had given them, *saying*, what I had said *was very good*, but *what relief did I give them?* that *their distress and their poverty were not relieved*. But in no cases did I hear of personal indignity or disrespect offered to members of the Catholic priesthood at that time, or of injuries to their property on that occasion. On former disturbances I have known injury to be done to the property of Roman Catholic clergymen; I have known their corn to be set fire to. That was in the year 1807 or 1808. I should state that at the period the people complained of the price of land and the weight of taxes, they complained of the priest, the parson, and the tithe-proctor. When they complained of the priest, they considered that, oppressed as they were, they could not afford to be giving the priest 2s. 6d. for baptisms, a guinea for a marriage, money for building a chapel, money for establishing a school; that, in short, the demands of the priest upon them were so many, that they could not answer them, and that it would be better not to attend to those things.

Part of the obligation which they imposed was not to make those payments to the priests; in other instances, they bound them by an oath not to go to confession.

The sums I have mentioned were the fees at that time payable to the priests for the performance of those duties; the same sums are still payable. Since I have presided over the arch-diocese of Tuam there has been no augmentation whatever.

The pressure of tithes payable to Protestant ministers is complained of generally as pressing particularly severe upon the occupying tenant.

The tithe of potatoe is not payable in my arch-diocese; the tithe, the payment of which presses particularly upon the tenant in the province of Connaught are grain of every kind, flax, and I think wool, lambs, &c.: still he is considered much better off than the peasant in the province of Munster: but yet the tithe on corn they find very severe, particularly in a bad season; when the crop fails they feel a great hardship. I have heard them say in some instances that the tithe-proctor's demand for tithe was to the full value of the crop. The tithe of hay is not payable in the province of Connaught; but it has been demanded latterly by some.

In the year 1820 very serious disturbances took place in part of the counties of Mayo and Galway, at which time they generally complained of tithes, taxes, grand-jury cesses, vestry cesses, the payment of the Catholic clergy, the high price of land; all those things together. They complained equally of high rents, grand-jury eesses, and church rates.

Those disturbances were the origin of what are usually called the Ribbonmen disturbances, but they were not directed specially against tithes, they were directed more against landlords. I am aware that petitions were sent to Parliament complaining of the state of the law with regard to endowments of chapels and other charitable Catholic institutions; but I am not aware that there has been a decree in the court of Chancery that has contributed to settle the law recently; and in point of fact, the Catholics have not such a confidence in the state of the law as to induce them to bequeath property for the purpose of endowing chapels or school-houses, notwithstanding the payment of dues to their own clergy was amongst the complaints of the people which marked that insurrection. I think they would prefer, notwithstanding, to support their own clergy, to seeing them paid by the State.

I believe the amount of the fees paid in my arch-diocese is the same as that paid throughout the province of Connaught, regulated by agreement among ourselves. In the province of Munster I believe there is some difference: I believe it is greater.

Besides the fee paid by the individuals who are united, there used to be another source of benefit to the Catholic clergyman from contributions made at marriages, but which has got into disuse within my time; but I have heard that it is a considerable source of the revenue of the Catholic clergyman in some parts of the south.

The mode of levying the assessment for the repair of the chapels and schools, namely, by remonstiances from the pulpit, very often fails. I know it is supposed, that the same mode has been resorted to, to collect the Catholic rent. That certainly was not the case with respect to the levy of what is called Catholic rent, in my part of the country in fact, I do not suppose there was any great opportunity, for I never knew any money paid with such alacrity as that was.

The assessments for the repair of chapels are laid on by the heads of villages ; the clergyman is recommended to form them into a committee, who assess the parish, and the clergyman is the principal collector of this assessment ; he pays it into the hands of a treasurer appointed by themselves, and the money is expended afterwards. The collection of the church rates rests with the churchwardens, they employ a clerk, and this clerk sends out his man amongst the people, and he collects this church rate from them. The churchwarden is empowered by the vestry. I have never attended at a vestry, but I have heard it mentioned that the parishioners assemble there, Catholic and Protestant, and that the vestry cess for the year is announced and discussed ; the Catholics are allowed to offer their opinion on the matter, but if a difference of opinion should arise, I understand that latterly the Catholics have been excluded, as not having a legal right to vote in vestries on the occasions for which they are usually assembled.

The exclusion of Catholics from voting at vestries in the parish at Tuam, is a matter of late origin ; they were always in the habit before of taking a share in it. I have known one instance, and only one, in which at the parochial vestries sums have been voted for the repair of Roman Catholic chapels in my district amounting to one assessment of ten pounds, and levied on the parish, which was at Athenry, but not for Catholic schools ; at the same time considerable sums having been assessed in the parish of Tuam for the repair of the Cathedral church, amounting to £1,500.

In the course of the last year there prevailed in Ireland generally a strong opinion on the subject of certain prophecies known by the name of Pastorini's Prophecies. I have made the most diligent search in my power, and in my life I never met more than *two copies* of Pastorini's Prophecies ; they certainly were not in general circulation throughout the arch-diocese of Tuam, for I used the utmost diligence, and got my clergy to unite in making the most strict search, and we could not make out a *third copy* of Pastorini's Prophecies ; nor do I think they were much read or understood in my part of the country at all. I have heard that in other parts of Ireland they were extensively circulated, and they may have made an impression upon some individuals ; and I know that some members of the Catholic prelacy publish addresses to the people to dissuade them from believing in those prophecies, and to deny any authority being attached to them by the church.

The clergy in my diocese also inculcate upon the people that the church attach no authority to those publications, and for the last year in particular, in consequence of the importance that was attached to those prophecies by some persons, the clergy throughout the diocese had instructions to announce to the peasantry not to read the prophecies of Pastorini, should

they come in their way, or any other prophecies whatsoever; nor any books having a tendency to inflame their minds; and, in short, to submit all books to their pastors for inspection. I believe there are impostors, who go about and undertake to circulate and explain prophecies; but I never could learn that they were successful in their imposition, or that they had made any material impression, or that much credit is attached to them. There is a general belief that God listens to the prayers of pious men, and that through their intercession the infirm are sometime restored to health; and that such was the case in some of the instances which have been published. The Catholic doctrine, with respect to miracles, is, that God has at all times the power of performing miracles, and that he does sometimes perform those miracles through the intervention of pious persons; and Catholics consider those miracles as one of the proofs of the truth of the faith of their church; at the same time I am aware that there are a great number of Catholics, who do not believe in those miracles; but they do not cease to be Catholics on that account. Catholics conceive the power of working miracles to exist, but in what particular instance that power is exercised they are not called upon to decide. That is a matter of private judgment, as to the recent miracles, and formed upon their own view, on examination of the evidence on which each rests.

The Roman Catholic church believes that God can work a miracle through the instrumentality of any agent he may please to select. In point of fact, the Committee will understand that all miracles subsequent to those recorded in the New Testament are matters on which a good Catholic may exercise his private judgment as to any particular miracle. But every good Catholic believes that miracles have been wrought in the church subsequent to those recorded in the New Testament, and may still continue to be wrought, subsequent to those recorded in the Evangelical books.

In my examination of yesterday I stated, that in the prayers which were addressed to the Virgin Mary, Catholics addressed her not as a divinity but as an intercessor.

The Committee will see in a book which contains prayers addressed by Roman Catholics to the Deity, the following prayer: "Tu qui es Mater Dei miserecordissima humiliis omnibus penitentibus inclinans potestissima; quia per te ruine angelice reparantur, per te sanctis vite janua aperitur, que regem glorie tuis sacris uberibus lacrasti et nuturisti, et totis visceribus dilexisti, te deprecor ut mea inopia sublevetur, ut per te purgationem peccatorum obtineam." now that prayer does not infer any thing more than a prayer of intercession; the words are, "ut per te purgationem peccatorum obtineam."

It is the use of the word *per* that constitutes it a prayer of

intercession; it is through her intercession only that all those favours are sought to be obtained by this prayer.

The Committee see in the same book of prayers, the following prayer addressed to the cross: "Crux Christi semper sit meum; " Crux Christi est quam semper adoro; Crux Christi est vera salus; Crux Christi superat gladium; Crux Christi solvit vincula mortis; Crux Christi est arma invincibilis; Crux Christi est via veritas et vita; Crux Christi impedit omnia malum; Crux Christi dat omne bonum; Crux Christi afferit vitam eternam; Crux Christi salvet me; Crux Christi sit super me; Crux Christi sit ante me; Crux Christi sit post me, quia antiquus hostis semper fugit ubi te vidi." Now those passages contain nothing more than this: we consider that it was on the cross Jesus Christ purchased redemption and salvation for us; the words CRUX CHRISTI ADORO TE have not reference to the material of the cross, but that adoration has reference to Him who died upon the cross.

When we address the cross in these words, our adoration is directed to him who died upon it. The cross is used in that sense figuratively. And in no other sense than that in which a Protestant would understand the word when he may be told to bear the cross of Christ.

In page 204, in paragraph 11, there is the following passage: "Catholics renounce all divine worship and adoration of images or pictures; God alone we worship and adore; nevertheless we place pictures to reduce our wandering thoughts and excite our memory towards heavenly things; further, we allow a certain honour to be shown to the images of Christ and his saints beyond what is due to profane images and figures; not that we believe any divinity or virtue to reside in them for which they ought to be honoured, but because the honour given to pictures has regard to the prototype or thing represented;" that is the doctrine taught by the Roman Catholic clergy to the people of Ireland.

The Most Reverend Patrick Curtis, D. D. Titular Archbishop of Armagh, Examined.

I have been Catholic Archbishop of Armagh six years. A Roman Catholic believes, and it is an article of his faith, that the Pope is the successor of St. Peter, who was constituted head of the Apostolic College of the Apostles; and that the Popes succeed to him; the same as the Bishops succeed to the Apostles; and that he has the same superiority, which we call supremacy, the exercise of which is regulated by the canons of the church; he is no more than a Bishop, but the head or chief of them all, and of the whole church. We do not know him as a King or as a Sovereign, he is but a Bishop; that is, religion only recognizes him as chief Bishop, and St.

Peter was but an Apostle, yet chief among them; but we suppose, and I think it is clear in the gospel, that he is constituted the head of the Apostles, and head of all Christians. Christ said, that on him he would build his church—on Peter—although Peter as well as the church, was certainly fundamentally and effectually built on Christ, it is still very compatible, that the whole church should be built on him, Peter; and that he, after his conversion, (because he was to fall after that) was to confirm his brethren; and that he was to feed Christ's lambs and his sheep; that is, the common faithful and the doctors or pastors of the church. With respect to any thing else that he may have, of temporal authority, or his influence over kings and princes, (whom he has sometimes deposed) he did very ill in doing that; unless he did it in virtue of authority that was given or allowed him by themselves. The sovereigns that he generally deposed, were the emperors of the west; the empire was translated from the east to the west. The sovereigns of the west were then very ignorant; they were a set of intruders at that time, Goths and Vandals; and they thought it necessary, that there should be a certain number of electors, mostly appointed by or sanctioned by the Pope; he was one of the chief arbitrators himself; and those people, in order to depose him (the emperor) often obtained the influence of the Pope, and so did the other Catholic sovereigns, who often applied to him for temporal as well as spiritual purposes; the Popes all had, at that time, a great deal of temporal influence. I do not think the claim which the Popes set up to Temporal Authority, is very conformable to Scripture and Tradition; I cannot say exactly that it is opposed to Scripture and Tradition; but certainly he has received no such power from CHRIST. I do not say that he received it from men; the same as he received the kingdom he has now, or at least the dukedom, the Papal territory. Whatever he had, or has of temporal power or authority, he received from men; and, I believe, would have done better not to take it; he became a great deal less influential man, as a spiritual chief, after receiving it, than before; we owe him no other than a spiritual authority, exercised according to the canons of the church; not arbitrarily, but according to the canons of the church; but we owe him no temporal obedience whatsoever; we never profess any allegiance to the Pope; we take an oath, at our consecration, of fidelity, as it is called; what we mean to do is to promise to him canonical obedience, and so does the priest to his bishop, and the bishop to his Archbishop, but in a more limited degree; but the duty that Catholics owe to the Pope, and their duty to the King, are really and substantially distinct; and, regarding different subjects totally, they never ought to be confounded.

If the question commonly called Emancipation was carried, in my opinion it would have the effect of producing conciliation and tranquility in Ireland. There would seem then to be no

sufficient motive for any persecution or contest, as it were, against the Catholics; they are now put down merely to keep up an ascendancy. There would be always an ascendancy, but not an ascendency carried forward in terms so repugnant, and so disagreeable. I believe it would serve to bring people together, and to make them forget their disputes; that there would be few or no disputes in secular matters, and really none at all almost in religious matters, because the religious disputes are brought forward against Catholics, not for religious purposes, but for secular purposes, depend upon it.

**The Right Reverend James Magaurin, D. D. Titular Bishop
of the Diocese of Ardagh, Examined.**

I have some recollection of the transaction that took place in the year 1788, respecting a communication with foreign Universities, on the subject of matters relating to the authority of the Pope. Mr. Pitt, in that year, called upon the Committee of the English-Roman Catholics to send some queries to those Universities. It was a good deal talked of in the Irish College of Salamanca in the year 1789, on my arrival there.

These are the questions: first, "Has the Pope or cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England?" Secondly, "Can the Pope, cardinals, or any body of men, or any individual of the Church of Rome, absolve or dispense with His Majesty's subjects from their oath of allegiance, upon any pretext whatsoever?" Thirdly, "Is there any pretext in the tenets of the Catholic Faith, by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction either of a public or a private nature?" The answers to those questions are contained at length in Mr. Butler's Memoirs. I believe the Universities of Salamanca, Alcala, and Valladolid, in Spain, have been consulted, and I believe also the Universities of Paris, Louvain and Douay, and those Universities have given their answers, and I believe their answers are all the same in substance, and those answers contain a doctrine that is admitted to be correct by the Catholic bishops of Ireland, and by the Catholic laity; I believe they form the substance of the oath of allegiance which is taken by the clergy and laity; I believe the oath of allegiance has been framed on the foundation of those decisions. An abstract of those decisions was published, with the address of the Catholic Committee of 1793; I have read them, and I subscribe to them, with all my heart and soul; and with the leave of the Committee I will read it, as well as the oaths and declaration.

**The Answer of the Sacred Faculty of Divinity of Paris, to
the above Queries.**

“ After an introduction, according to the usual forms of the University, they answer the first query, by declaring, Neither the Pope nor the cardinals, nor any body of men, nor any other person of the Church of Rome, hath any civil authority, civil power, civil jurisdiction, or civil pre-eminence whatsoever, in any kingdom, and consequently none in the kingdom of England, by reason or virtue of any authority, power, jurisdiction, or pre-eminence, by Divine institution, inherent in, or granted, or by any other means, belonging to the Pope, or the Church of Rome. This doctrine, the Sacred Faculty of Divinity at Paris, has always held, and upon every occasion maintained; and upon every occasion has rigidly proscribed the contrary doctrine from her schools.

“ Answer to the second Query. Neither the Pope nor the cardinals, nor any body of men, nor any person of the Church of Rome, can by virtue of the keys, absolve or release the subjects of the King of England from their oath of allegiance.

“ This and the first query are so intimately connected, that the answer of the first immediately and naturally applies to the second, &c.

“ Answer to the third query. There is no tenet in the Catholic Church, by which Catholics are justified by not keeping faith with heretics, or those who differ from them in matters of religion; the tenet, that it is lawful to break faith with heretics, is so repugnant to common honesty, and the opinions of Catholics, that there is nothing of which those who have defended the Catholic faith against Protestants, have complained more heavily, than the malice and calumny of their adversaries, in imputing this tenet to them, &c. &c. &c.

“ Given at Paris, in the General Assembly of the Sorbonne, held on Thursday the 11th day, before the calends of March, 1789.

“ University of Louvain. “ Signed in due form.”
“ The Faculty of Divinity at Louvain, having been requested to give her opinion upon the questions above stated, does it with readiness; but struck with astonishment that such questions should, at the end of this eighteenth century, be proposed to any learned body, by inhabitants of a kingdom that glories in the talents and discernment of its natives—The Faculty being assembled for the above purpose, it is agreed, with the unanimous assent of all voices, to answer the first and second queries absolutely in the negative.

“ The Faculty does not think it incumbent upon her, in this place, to enter upon the proofs of her opinion, or to show how

it is supported by passages in the Holy Scriptures, or the writings of antiquity: that has already been done by Bossuet, De Marca, the two Barlays, Goldastres, the Pithœuses, Argentre Widrington, and his Majesty King James the First, in his Dissertation against Bellarmine and Du Perron; and by many others, &c. &c. &c.

"The Faculty then proceeds to declare, that the sovereign power of the State, is in nowise, (not even indirectly as it is termed) subject to, or dependent upon any other power, though it be a spiritual power, or even though it be instituted for eternal salvation, &c. &c.

"That no man, nor any assembly of men, however eminent in dignity and power, nor even the whole body of the Catholic church, though assembled in general council, can upon any ground or pretence whatsoever, weaken the bond of union between the sovereign and the people; still less can they absolve or free the subjects from their oath of allegiance.

"Signed in due form, on the 18th of November 1788."

“University of Valladolid.

“ To the first question it was answered, That neither Pope, cardinals, or even a general church, have any civil authority, power, jurisdiction, or pre-eminence, directly or indirectly, in the kingdom of Great Britain, or over any other kingdom or province in which they possess no temporal dominion.

"To the second, it is answered, That neither Pope nor cardinals, nor even a general council, can absolve the subjects of Great Britain from their oaths of allegiance, or dispense with their obligation.

"To the third, it is answered, That the obligation of keeping faith, is grounded on the law of nature, which binds all men equally, without respect to their religious opinions; and with regard to Catholics, is still more cogent, as it is confirmed by the principles of their religion.

"Signed in the usual form, February 17th, 1789."

The Oath required by the Act of the 13th and 14th of George 3d.

"I, A. B. do take Almighty God, and his only Son Jesus Christ, my Redeemer, to witness, That I will be faithful, and bear true allegiance to our most gracious Sovereign Lord King George the Third, and him will defend, to the utmost of my power, from all conspiracies and attempts whatever, that shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, and his heirs, all treasons and traitorous conspiracies which may be formed against him or them. And I do faithfully promise to maintain, support and defend, to the utmost of my power, the succession of the Crown in His Majesty's family, against any person or persons whatsoever, hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the style and title of Prince of Wales, in the lifetime of his father, and who since his death, is said to have assumed the style and title of King of Great Britain and Ireland, by the name of Charles the Third; and to any other person, claiming or pretending a right to the Crown of these Realms; and I do swear, that I do reject and detest, as unchristian and impious, to believe that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics; and also, that unchristian and impious principle, that no faith is to be kept with heretics. I further declare, that it is no article of my faith, and that I do renounce, reject and abjure the opinion, that princes excommunicated by the Pope and council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed and murdered by their subjects, or by any person whatsoever; and I do promise, that I will not hold, maintain or abet any such opinion, or any other opinion contrary to what is expressed in this declaration; and I do declare, that I do not believe that the Pope of Rome, or any other foreign prince, prelate, state or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm; and I do solemnly, in the presence of God, and his only Son Jesus Christ my Redeemer, profess, testify and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever, and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatever, and without thinking that I am, or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other persons or au-

thority whatsoever shall dispense with, or annul the same, or declare that it was null and void from the beginning. So help me God.

*The Oath required by the Act of the 33d George 3d,
chapter 21.*

“I, A. B. do hereby declare, That I do profess the Roman Catholic Religion.

“I, A. B. do swear, That I do abjure, condemn, and detest, as unchristian and impious, the principle, that it is lawful to murder, destroy, or anyways injure, any person whatsoever, for or under the pretence of being a heretic; and I do declare solemnly, before God, that I believe that no act, in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour, that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever. I also declare, that it is not an article of the Catholic faith, neither am I thereby required to believe or profess, that the Pope is infallible; or that I am bound to obey any order in its own nature immoral, though the Pope, or any ecclesiastical power, should issue or direct such order; but, on the contrary, I hold, that it would be sinful in me to pay any respect or obedience thereto. I further declare, that I do not believe that any sin whatsoever committed by me, can be forgiven at the mere will of any Pope, or of any priest, or of any persons whatsoever; but that sincere sorrow for past sins, a firm and sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well founded expectation of forgiveness; and that any person who receives absolution, without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament: and I do swear, that I will defend, to the utmost of my power, the settlement and arrangement of property in this country, as established by the laws now in being. I do hereby disclaim, disavow, and solemnly abjure, any intention to subvert the present church establishment, for the purpose of substituting a Catholic establishment in its stead: and I do solemnly swear, that I will not exercise any privilege to which I am or may become entitled, to disturb and weaken the Protestant religion, and Protestant government, in this kingdom. So help me God.”

The Declaration.

“Whereas certain opinions and principles, inimical to good order and government, have been attributed to the Catholics,

the existence of which we utterly deny ; and whereas it is at this time peculiarly necessary to remove such imputations, and to give the most full and ample satisfaction to our Protestant brethren, that we hold no principle whatsoever, incompatible with our duty as men or as subjects, or repugnant to liberty, whether political, civil, or religious.

" Now we, the Catholics of Ireland, for the removal of all such imputations, and in deference to the opinions of many respectable bodies of men, and individuals, among our Protestant brethren, do hereby, in the face of our country, of all Europe, and before God, make this our deliberate and solemn declaration.

" 1st. We abjure, disavow, and condemn the opinion, that princes excommunicated by the Pope and council, or by any ecclesiastical authority whatsoever, may therefore be deposed or murdered by their subjects, or any other persons. We hold such doctrine in detestation, as wicked and impious ; and we declare, that we do not believe that either the Pope, with or without a general council, or any prelate or priest, or any ecclesiastical power whatsoever, can absolve the subjects of this kingdom, or any of them, from their allegiance to His Majesty King George the Third, who is, by authority of Parliament, the lawful King of this realm.

" 2d. We abjure, condemn, and detest, as unchristian and impious, the principle, that it is lawful to murder, destroy, or anyways injure, any person whatsoever, for or under the pretence of being heretics ; and we declare solemnly, before God, that we believe that no act, in itself unjust, immoral or wicked, can ever be justified or excused by or under pretence or colour that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever.

" 3d. We further declare, that we hold it as an unchristian and impious principle, that no faith is to be kept with heretics : this doctrine we detest and reprobate, not only as contrary to our religion, but as destructive of morality, of society, and even of common honesty ; and it is our firm belief, that an oath made to any person not of the Catholic religion, is equally binding as if it were made to any Catholic whatsoever.

" 4th. We have been charged with holding, as an article of our belief, that the Pope, with or without the authority of a general council, or that certain ecclesiastical powers can acquit and absolve us before God from our oath of allegiance, or even from the just oaths and contracts entered into between man and man.

" Now we do utterly renounce, abjure and deny, that we hold or maintain any such belief, as being contrary to the peace and happiness of society, inconsistent with morality, and

above all repugnant to the true spirit of the Catholic religion."

" 5th. We do further declare, that we do not believe that the Pope of Rome, or any other prince, prelate, state or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm.

" 6th. After what we have renounced, it is immaterial, in a political light, what may be our opinion or faith in other points respecting the Pope; however, for greater satisfaction, we declare that it is not an article of the Catholic faith, neither are we thereby required to believe or profess, that the Pope is infallible, or that we are bound to obey any order in its own nature immoral, though the Pope or any other ecclesiastical power should issue or direct such order, but on the contrary we hold, that it would be sinful in us to pay any respect or obedience thereto.

" 7th. We further declare, that we do not believe that any sin whatsoever committed by us, can be forgiven at the mere will of any Pope, or of any priest, or of any person or persons whatsoever, but that sincere sorrow for past sins, a firm and sincere resolution, as far as may be in our power, to restore our neighbours property or character, if we have trespassed on, or unjustly injured either, a sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well founded expectation of forgiveness; and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating the sacrament.

" 8th. We do hereby solemnly disclaim, and for ever renounce all interest in, and title to all forfeited lands resulting from any rights, or supposed rights of our ancestors, or any claim, title, or interest therein; nor do we admit any title as a foundation of right, which is not established and acknowledged by the laws of the realm as they now stand; we desire further, that whenever the patriotism, liberty, and justice of our countrymen shall restore to us a participation in the elective franchise, no Catholic shall be permitted to vote at any election for members to serve in Parliament, until he shall previously take an oath to defend, to the utmost of his power, the arrangement of property in this country, as established by the different Acts of attainder and settlement.

" 9th. It has been objected to us, that we wish to subvert the present church establishment, for the purpose of substituting a Catholic establishment in its stead: Now we do hereby disclaim, disavow and solemnly abjure any such intention; and further, if we shall be admitted into any share of the constitu-

tion, by our being restored to the right of elective franchise, we are ready, in the most solemn manner, to declare that we will not exercise that privilege to disturb and weaken the Protestant religion, or Protestant government in this country."

I think the oaths that are required to be taken by Catholics, by the Acts of 1773 and 1793, contain a denial of those charges that are so frequently made against Roman Catholics with respect to not keeping faith with heretics, and with respect to the supposed temporal authority of the Pope.

I have a perfect recollection of a document that was published in Ireland, by the Catholic Committee, in the year 1757, and drawn up by a Titular Bishop, Dr. A. Keefe, which was universally acknowledged and subscribed to by every Catholic of that day; and it was renewed afterwards when there was an appearance of a French invasion, and also in 1792, when petitions were presented to Parliament, for the concessions that were made at that time.

The counties under my jurisdiction in my diocese are parts of seven counties; it is principally Leitrim and Longford; but there is a part of the county of Roscommon, a small part of the county of Sligo, and other counties.

I reside in the county of Longford, and in the discharge of my duties, and in the discharge of the duties of the inferior clergy who are under my direction, I consider it right to co-operate with the magistrates of the country in endeavouring to maintain the tranquillity of the country, and to secure obedience to the laws, and I have always been tolerably successful in having it so; I always believed it a matter of the utmost necessity; and whenever I have found in the diocese committed to my care, that there was not that kind of harmony between the magistrates and the Roman Catholic clergy, I think, in the same proportion, in general that neighbourhood was not tranquil. And in the discharge of that portion of my duty, I have always met with the active and zealous co-operation of the magistrates of the country. I have met with it in the county of Fermanagh, where I was first placed, in the county of Leitrim, and in the county of Longford, and no part of the country I was ever placed in, was disturbed. I was fortunate in that respect, for it is scarcely possible to describe the effect it produces on the public mind, when they see men of both religions, in public situations, go hand in hand with each other. And I have no doubt, that the magistracy of the county of Longford attribute the tranquillity of the county, in a very considerable degree, to the cordial co-operation which exists between the Justices of the peace and the Roman Catholic clergy. I do believe it is a general feeling. I think I get more credit myself perhaps than I deserve, but it is a general feeling; much credit is due to Lord Forbes. Generally speaking, there is no open hos-

tility between the two sects, in the county of Longford; but there is a something of a heat of mind, or an irritation, but nothing of a violent nature, which I attribute to party feelings of Orangemen and Ribbonmen, and the question of Catholic Emancipation, with the feelings of hope on one side, accompanied with some fear perhaps, and apprehension on the other side; there are two parties, and they are kept at that kind of distance, arising from a variety of causes, that I am not able to describe.

Having alluded to Catholic Emancipation, I would also add, that a strong feeling of anxiety upon that subject, exists amongst the bulk of the peasantry. I know if they were asked what emancipation meant, they perhaps would not be able to define it; but they have a feeling that they are belonging to an excluded cast, and that they are not treated like other subjects; that there is something wrong with them, and they are very anxious to be relieved from this kind of slavery, which they are not able to explain; and I think a great deal of the misfortunes of Ireland arise from the disrespect of the lower orders to the laws. They are of opinion, that the laws were not made for their protection; they *know no parts of them*, except the *penal and punishing parts*; and I can easily conceive that in their little meetings on winter nights, they have amongst themselves many traditionary stories regarding the sufferings of their ancestors. For instance, I have heard those traditionary reports, that the priests withdrew to the mountains and retired parts, and the people flocked after them; and there is a kind of veneration for those spots, to this day continued; I believe I have known some of them, but I do not know any particular place by name.

In short, the existing disabilities produce the same effect, upon the disposition of Protestants towards their Catholic brethren. I think they are in as great distrust, and in as great a state of fever in many instances. For instance, one Protestant gentleman told myself, that he locked his doors at four o'clock, and did not permit any one to leave his house till the following morning. This was about Christmas last, commencing the year 1825. I have known gentlemen in my neighbourhood that absolutely quitted their houses, and came to reside in Dublin under that state of feeling. The circumstances which excited this alarm and apprehension, were certain idle, mischievous reports; one was, that all the Protestants were to be murdered on Christmas-eve; another, on the eve of New-year's day; circulated by a set of designing individuals, to keep alive this kind of alarm. Those fears were not felt by all the Protestant gentry: they were particularly among those who were in the habit of reading, exclusively, *newspapers of a party spirit*; and having their minds filled with them, and in the habit of receiving communi-

cations from a lower description of designing individuals; those were the persons that were most subject to such alarm; I mean some of the Protestant yeomanry of Longford, who are, I think, exclusively Protestants, or nearly so, and they are supposed to be Orangemen. Amongst the Protestants who did not participate in these alarms, were some of the most active and influential magistrates of the county; and some of those that were under those apprehensions were good and kind men; but they permitted themselves, from timidity, to labour under those apprehensions. But I am sure no such precautions, which I have described to have been taken in other houses, were taken at Castle Forbes. Lord Forbes would not have any hesitation or fear to leave his doors open; that was the case with others in the same county.

When I allude to newspapers which gave currency to those impressions of alarm, I mean the Mail and the Star, violent party papers. There are others, I believe, of an opposite description. There is the Morning Register, and other papers. I do not think the Dublin Evening Post is a violent paper. The whole cause for that alarm arose from the newspapers and from designing individuals scattered all over the country, to keep alive this kind of party feeling between Protestants and Catholics. It is impossible to know who they are; it is not easy to fasten the charge on any individual, but I have heard of such *miscreants* ranging through the country, exciting the Catholics against the Orangemen, and the Orangemen against the Catholics.

I was a member of the Catholic Association, nor do I believe there were more than two or three of the clergy of my diocese who were, although the addresses, that proceeded from the Catholic Association, were distributed in my diocese; and the rent collected, in some degree, and perhaps the collection of that rent, and the distribution of addresses from the Roman Catholic Association, might partly account for the alarm that was felt by the Protestants.

I recollect the murder of a man of the name of Connell, and that at the trial it appeared that the murder was committed by eighteen individuals, six of those eighteen being selected from two or three different parishes; and I have no doubt that the occurrence of a murder of that kind, committed in the dead of night by eighteen persons, six of them being deputed from each of three parishes, is sufficient to account for the existence of a considerable alarm on the part of the yeomen of the country; and no doubt that murder was premeditated in the manner mentioned: but report says, that there were *nine executed*, and not *one of the nine was concerned in it*. The belief and general feeling of the neighbourhood is, that the murder was not committed by the men who have been executed; it is very true, the men who were executed, were the people who joined

in planning the murder, but who did not arrive in time to execute it ; the opinion is, that the murder was committed by one party before the other party had arrived. Supposing they were indicted for a conspiracy to commit murder, that is a capital offence in Ireland ; but the question put to me is, What is the general impression ? and without being able to substantiate it, I give my opinion as to that impression. I believe that they, either more or less, belonged to a party intending evil, though perhaps on the particular night that that murder was agreed on, they were not of that party. I am not saying, that they had, or that they had not, any concern whatever with the previous conspiracy, which led to the commission of that murder ; but this I will say, that I fear it is *too general* at assizes to *adopt the principle*, that it is *necessary to punish some*, to make an example, and on account of the state of irritation and alarm that is very justly in people's minds, that *sometimes sufficient enquiry is not made*, whether the person giving information *should be believed* on so important a case.

I will mention a case independently of the case of Connell, in which you think, that from a desire to make an example, persons who were not concerned in the offences of which they were convicted, have been executed, that came within my own knowledge. I live on the banks of the Royal Canal ; the banks were cut maliciously at night ; there was a reward offered by the Directors of the Canal, of 100*l.* for the discovery of the persons committing it ; a *common vagrant* came forward and gave information before a magistrate, saying, that in order to avoid a decree of sessions against him, he got up at night, quitted his house, crossed the canal, and *got behind a wall*, and that *he thence saw three men actually cutting the banks of the canal* ; those three men *were arrested*, were sent to Longford gaol, they *were tried* and were *convicted* ; they were sent on board a tender, and evidence came before me so strong to convince me that *they were not* the guilty persons, that I interfered in their behalf ; and the result was, that the three men *were pardoned*. *I believed then, and I believe now, they were not the perpetrators*. I have not known any other cases in which the parties have suffered the penalties of the law ; the case I have just mentioned is one in which, upon my representation, a pardon was granted ; but *had I not interfered* in this case, it would have been one of this lamentable description. One of their names was Magee. This was about three or four years ago. I mentioned it, to shew that nothing tends to keep up the unfortunate disturbances in the country so much as things of that sort, because the brothers and relatives of those who suffer, feel so dissatisfied, that they lose no opportunity in afterwards seeking to be revenged of the prosecuting parties ; and for which reason I more than once recommended in the county I live in, that there should be a strict

investigation with regard to *the character of prosecutors*, and particularly of those who expect a promised reward ; and I recommended, that there should be some *collateral testimony*, before persons were convicted on *any one such evidence*.

I am aware that if persons are concerned in a conspiracy to commit murder, even if they should not take a part in the actual commission of the murder, those persons might very properly be executed, in case their participation in the conspiracy is *fully proved*. Therefore supposing the nine persons, who were engaged in a conspiracy to commit murder, were indicted for the *conspiracy*, were convicted, and were executed, I do not find any fault with the sentence of the law in that case. I only find fault, because I was led to believe they were convicted for a crime they did not commit, at least that is the report ; I mention it, not by way of casting any kind of blame; but to shew that *feelings of this nature are among the causes of the disturbances which prevail* : what I have been stating is the general opinion of the neighbourhood.

In general I think the neighbourhood are aware, in case of the commission of murder, or any other offence, who the parties are by whom that murder has been committed, it is known to a few, and thus it transpires from one to another ; still I do not think that this murder, which took place in the year 1814, has been in any degree the cause of the alarm which existed peculiarly in the year 1824. I admit the frequent recurrence of murders is calculated to create alarm, but I do not think there has been a frequent recurrence of murders. I know it is thought, that the parties who commit a murder, are generally known to the priest, but I do not think they are.

Supposing it were stated to him in confession, the priest would not think it consistent with his duty to divulge any part of a communication which was made to him in confession ; even supposing he was made acquainted with an intention to commit murder, in the way of confession, he would not think himself authorized to make any communication upon that subject. He would exert himself to prevent the crime being committed, but any communication made to him, in confession, is inviolable ; he cannot divulge it.

Supposing it related to a crime not actually perpetrated, but about to be perpetrated, if it is made known to him in confession only, he cannot divulge it ; he is to use his influence with the individual, so far as he can to prevent the crime being committed : but what he hears in the way of confession is inviolable. I do not think he would even be authorized to give notice to the party whose life might be in danger ; we believe confession to be of divine institution, and, as such, inviolable in its secrecy.

He could not even disclose so much of it, as would prevent the perpetration of the crime, without committing the person-

who has made the confession ; it is his duty to prevent, as far as he can the crime. In point of fact, I am not aware that communications of an intention to commit offences like murder, are ever made in confession. Confession is a *declaration of crime* ; it is a *declaration of sin committed*, and the object of confession is, that the penitent, in exchange for confession, on his part expects to receive from the clergyman, absolution of his sins. But it would be impossible for him to receive absolution from the priest, whilst he acknowledges an intention to *commit any offence*. Therefore, both according to my own experience, and according to the nature of the communication, I cannot suppose a person, with an intention to commit a grievous crime, can offer himself for confession, I will suppose this case to occur, that one of the conspirators, in the case of Connell, had come to his priest and had said, I have been party to a conspiracy to commit murder ; I heartily repent that I ever was seduced to become a member of this conspiracy ; it still exists, but I disclaim all connection with it ; in that case, it is the duty of the priest, to exhort him to use all the influence he is capable of, in order to prevent the commission of that crime ; but it would not be the duty of the priest to go to the party, and say your life is in danger ; and I think crime will be prevented more effectually, by the duty that is prescribed.

I will further suppose an individual thus exhorted by the priest, should return to him and say, I have failed in my endeavours, I have done all that I can to induce my fellow conspirators to desist from their wicked intention, but I have not succeeded. He must then endeavour to get his permission to make use of such part of the information as may be necessary, and to use the most discreet and prudent means to prevent the commission of the crime ; and if after that, the priest being satisfied that the man had done all in his power to dissuade others from committing the offence, was to grant absolution, the opinion of the Roman Catholic church is, that though the words of absolution may be pronounced, that absolution is not ratified in Heaven, unless the individual has fulfilled the necessary conditions ; unless he is sorry for having committed the crime he had committed, and unless he has a firm resolution to avoid that crime, and to avoid sin of every kind ; if he has not fulfilled those conditions, although the priest pronounces the words of absolution, the belief of the Catholic church is, that that absolution is not obtained. The priest never knows, in point of fact, whether the absolution he grants is complete or not ; all he knows is from the conduct of the individual, and from the amendment that he manifests, and the tenor of his life altogether, morally speaking. That is the impression with respect of absolution, that is inculcated from the altars ; it is the doctrine that is publicly taught and pro-

claimed. It is taught in our common catechism, that there is no absolution, there is no remission of sin, there is no release in that tribunal for crime, without sorrow of mind for committing the crime, and a *decided resolution* to avoid sin in *particular* and in *general*. Therefore, supposing the case which was put to me just now, of an individual who had engaged in a conspiracy to commit murder, being penitent, and confessing that intention, I should not consider that that individual had made adequate atonement for the contemplated offence; and unless he used all the means in his power, in order to prevent the crime premeditated, he is unfit for absolution. As to including notice to the individual threatened, I do not know whether the priest would include swearing an information before a magistrate, because, from the state of the public mind in Ireland, a man's life might be endangered by doing so; but he must use every consistent means, in order to prevent the crime being committed; the priest may give his advice, as to the means that may be most efficacious and adviseable. Perhaps, it may be considered but right, that a man who is engaged in a conspiracy to take away the life of another, is bound, at all risks to himself, to do what he may physically be able to do, to prevent the commission of the crime; and that he would not be justified in abstaining from saving the other, in order to avoid personal danger to himself. I think he ought to save the life of the other, as far as he could; but I do believe, that *self-preservation* is the *spring of all actions*; and it is a doubt with me at present, if, for instance, he felt that he was to be murdered himself, whether he should do it; but I know this, that he is bound, so far as he can, to prevent the commission of the crime. It would be made a condition of absolution, that he should make every discovery in his power; there is no absolution attained without compunction, without sorrow; the doctrine is, that there is no absolution attained without these conditions, though the words may be pronounced by the priest.

In point of fact, if an individual in the Roman Catholic church receives absolution, without a sincere and hearty disposition to avoid sin, in addition to the sins from which he is not, according to our doctrine, then absolved, he adds the additional sin of a breach of a sacrament; a sacrilege, a profanation of what we believe to be a sacred ordinance. And that doctrine is maintained, professed, and explained by the clergy of our church, in their exhortations to their flocks; so much so, that those who continue in wicked practices do not come to confession: so that when there are disturbances or combinations amongst the people in our county, we always know that fact, by the absence of the parties from confession.

I think, that in a case of conspiracy, such as was alluded to in a former question, the giving information to a

magistrate, or taking some other means which would lead to the conviction of the other conspirators, would be a very good proof, or at least a very strong proof of sorrow for the crime which the individual had committed ; but if the life of the individual himself is in danger, it is very hard to persuade him to take that advice.

I should not conceive the priest or bishop justified, according to the principle of *absolution* which I have just stated, in giving *absolution* to a person who had come to confession, unless every means within the power of the penitent were employed to break up and defeat the conspiracy.

I was not at Mullingar at the time of the trial of Connell's murder, nor have I ever read any authentic publication of that trial, or seen any report of the evidence on that trial. I have no knowledge of the case, except from report. And it is part of the same report, and of the same impression which is general amongst the people in the country, that though those nine individuals who suffered had not committed the crime of murder, yet that they were believed to belong to an illegal association, and that they had intended to perpetrate that murder. The individuals who were convicted, were not indicted for a *conspiracy* to murder, *as well as* for the perpetration of murder ; but I believe they were indicted and prosecuted for the *commission of that crime* ; I believe the individual who gave information against that party, *sweared that they were the persons committing it*. It is probable that there was an indictment also for conspiracy to murder, the conviction having embraced so many persons ; whether the conviction was for murder or for a *conspiracy* to murder, I cannot say, except from report. But I recollect to have heard the principle witness on the trial for the murder of Connell ; he lost his life but I never heard where it was.

The conviction of those three men for cutting the banks of the canal, was probably produced from the same circumstances which might produce a conviction resulting from false swearing in any ordinary case ; but there is still a strong impression on my mind, that when a country is considered either more or less in a disturbed state, every outrage of this kind gives a kind of alarm, and a *strong feeling at the coming on of the assizes, that it is necessary to make examples*.

The prosecutor in the case of the three men for cutting the canal, immediately after the assizes of Longford, set out to the assizes of Cavan, and there he fabricated another case equally untrue. Nothing appeared on the trial to invalidate the testimony of that witness : but what enabled me and the other gentleman who took a part in the business, to succeed in releasing those men was, that the Judges having returned, had on their minds what occurred in Cavan, and they had no

hesitation whatever in reporting, that his evidence in the case, in Longford was also not to be believed.

Although I never have read any authentic account of the trial of these nine men, it is still my belief, that they were not guilty of the murder; that they were not the perpetrators of that murder for which they were convicted. As to whether they were innocent generally, I expressed no opinion upon that, except thus far, that I believe that the persons found guilty, *belonged*, in a general kind of way, to *an illegal association* in the country. The opinion I have now expressed, is founded upon the prevalent belief and report in the neighbourhood, in which I reside.

An authentic report of the trial, is nothing but the prosecution and conviction. The evidence upon which that conviction was founded, was one of the party that first conspired; he gave the information, he became the informer. Whatever the evidence was, I do not believe that the perusal and consideration of it would have been a more satisfactory ground upon which to have formed an opinion, than the report which prevailed in my neighbourhood at the same time; I did not seek the report, but I heard it from different persons; but I have never expressed any opinion of the innocence of those persons, in the manner, or to the effect I have done to this Committee, to my own people; but I recollect I mentioned it to some Protestant gentlemen, and some gentlemen who were more or less connected with the administration of the county and the government. I have expressed my opinion but very seldom upon it, and when I did, it was rather a matter of conversation; and my reason for mentioning it at all was, because of the dreadful results that arise from the feelings that persons are punished not being guilty; it leads to those midnight outrages and retaliation, and dissatisfies people with the administration of justice. But I do not think it was the duty of the Roman Catholic bishops, or of the Roman Catholic clergy, to take any public notice of such a report by way of undeceiving them, even if they were under an erroneous impression—I thought it would be a better way to say nothing about it; and not to take any step to contradict it, if it was really the fact.

I have before said, that we believe confession is a divine institution, as well as the secresy of confession; therefore a priest coming to the knowledge of a murder about to be perpetrated, cannot make a disclosure of such intentions, because if it is of divine institution to keep secresy in a general kind of way, it is in particular instances. Confession is a tribunal, where Christ has empowered the Apostles, and their successors, to forgive sins, and that being the case, the secresy follows as a matter of consequence, because sins will not be confidentially communicated, unless there is a surety that they will not be disclosed. To state the particular portion of the word of God, on which it is one of the orders of the Church, that such

confession should be held secret; but we believe it is a higher order; and we think so, from the power being given of forgiving and retaining; and that power of forgiving and retaining sin, supposes of necessity, the making confession; and making confession, supposes of necessity, secrecy; there is not exactly on my mind, any verse or text of Scripture, saying, that they are to keep it secret, but it is an essential to the other powers which are given. There no fees on confession, that I am aware of; and I most undoubtedly think that the practice of confession tends to diminish and prevent crime: I am aware that practice does not exist in the Protestant church; so far I think the Catholic religion is more conducive to the preservation of tranquillity and good order in a state than the Protestant, because I think there is nothing tends more in its own nature to check and debar crime than confession; but I think, that it is essential for obtaining the truth from a penitent, that he should know that you would preserve strict secrecy; and so I think it is considered as I never recollect any instances in which the Catholic clergymen have been called upon in trials, or in courts of justice, to give testimony of information which they may have received in their ministry; nor do I recollect any instances where a Catholic clergyman has declined giving testimony with respect to a crime committed in his presence, or within his knowledge, upon other grounds than that he had received the knowledge of it at confession; I think I have heard of some circumstances in the south of Ireland, but I have not it clearly in my mind, respecting a trial for the murder of person of the name of Brierton, and of a clergyman said to have been present; I did not hear of his being called on the trial; I heard of an arrest, and I heard of his release—upon recollection I think I did hear of his having declined to give testimony of what he had witnessed, but I think it was not on the *score of confession*, that had nothing to do with it; but it was rather on *political principles*; that it would be depriving him of a useful influence for promoting the tranquillity of the country should he be called upon to give information with regard to a number of persons that were there, who perhaps belonged to his own people. In this case I do not think his religion had any thing to do with this question; I think it was a matter of *state policy* more than any thing else, and I think it was a *wise course* not to press it.

If the Committee ask me whether, in my opinion, he did not take an erroneous view of his duty, in declining to give that evidence which he was called upon to give; my answer is, I do not think his duty, as a clergyman, called upon him at all; he conceived, I suppose, as many others have conceived, that, in the troubled state of the country, it would be injurious to its tranquillity if he was pressed to give information. It is a difficult subject to give an opinion upon, but I am still upon

the whole of opinion, that the objects of peace and public tranquillity would be better promoted, by the exercise of his personal influence, in the manner I have described, rather than by the conviction of the person or persons who had committed a crime so atrocious as the murder of Mr. Brierton was ; and as a proof of his wish to preserve the peace, that Roman Catholic clergyman interposed personally, at the risk of his life, to prevent the commission of that murder. In speaking of the alarm which prevailed among the Protestants in the county of Longford, I think it was limited to individuals ; I recollect hearing that some of the Protestants had declined, or avoided, through apprehension, going to religious worship on Christmas-day, in some parts of Ireland ; and of others being accompanied by an armed force, for their protection ; and, that that alarm, was created by the circulation of Pastorini's prophecies ; and that even in the city of Dublin very great apprehension existed ; and perhaps the language used upon public occasions by public men, just at that period, contributed to spread that feeling of alarm. And here let me observe, the Catholic clergy are placed in a very difficult situation, with respect to all matters regarding the administration of justice, in consequence of the general hostility that prevails amongst the lower orders to the law ; that is the hostility connected with those laws which place the Catholics under civil disabilities. And this situation of the clergy, and the difficulty they have in these respects, is very much connected with the question of Catholic emancipation ; and it is a fact, that if a Catholic clergyman takes a part in controuling the laity when disposed to commit insurrectionary acts, he is always, liable to be considered by them, in some degree, as a traitor to their interest and their cause ; and on the other hand, if, when the country is any disturbed, he remains quite *neutral* he is then exposed so be censured for his lukewarmness, and a tacit assent to their irregularities that are going forward : neither the Pope nor a Bishop have any greater power with respect to absolution, than the priest ; *Vi ordinationis.*

The decrees of the council of Trent, are for the most part, in force in Ireland at present.

But there are certain points of discipline in the decrees of the Council of Trent, which were not to become obligatory, in Ireland till promulgated and received. In some parts of Ireland these were not received, such as the law of clandestine marriages ; but all the important decrees of the Council of Trent are enforced in Ireland ; the bishop or the priest, have no power to withhold from any individual, the sacrament, for any pecuniary consideration or Tax. I have heard of a letter issued by a *vicar capitular* in Ireland, to this effect ; " Reverend Sir, I enjoin you again not to administer any sacrament, publicly or privately, to any person, or any family, who shall not have previously paid the full amount of both taxes ; nor

any of the rights of churching women, blessing of clay, or celebrating mass for them, under pain of suspension, to be incurred by the fact ; I can only say in reply to that, if such an order as that were to be issued to a priest, I do not think he would be compelled to obey it ; I do not think such an order should be issued. I know the printed regulations in my diocese are, that neither marriages or baptisms are to be refused on account of money. We have no civil means of enforcing the payment of money ; and sometimes, perhaps, the churching of women which is not a matter of absolute necessity, may be threatened to be postponed, in order to obtain this money for the support of a chapel or of a school ; but a clergyman would be very criminal, if he refused absolution from any such consideration.

The ceremony of blessing clay on account of the law not permitting Roman Catholic clergymen to attend the burial, takes place in the house of the deceased. It is a ceremony previous to the burial.

But here let me remind the committee as some justification of withholding or rather threatening to do so, the benefits of the church,—the state of our chapels in many instances are so bad, as to justify great efforts to obtain money in order to procure decent accommodation. With respect to the regular clergy I have none in my diocese, with the exception of one house at Athlone. I have the power of interdicting clergymen from coming into my diocese, and preaching whether secular or regular, except those of the diocese appointed by myself ; and I would think it expedient to exercise that right, that there should be no encroachment ; I should first forbid him ; if after that he persisted in addressing the flock of a secular clergyman I should suspend him ; and if he acts contrary to that suspension, he incurs what we call an irregularity. I cannot forbid him attending to duties within the precincts of his convent, but so far as regards the administration of the diocese, I could prevent him ; if he becomes refractory we have no other remedy.

I am not aware that there is any limitation upon the number of the regular clergy in Ireland, but I have authority to prevent the establishment of any new convent, though not to prevent the extinction of an old one. Though I have no power of visitation, still I make a report to Rome upon the state of the convents. I am not aware that there is any closer connexion between the regular clergy and the See of Rome, than exists between secular clergy and the See of Rome. A General is the head of the dignitaries of the regular clergy ; the head of the Dominican order generally resides at Rome ; and the individuals belonging to the Dominican order, who exist in Ireland, are subject to the control of the provincial of that order ; and I perceive they maintain a correspondence with

him; their tenets, with respect to Roman Catholic doctrine and discipline, are exactly the same as those that are held by the other clergy.

Celibacy is enjoined upon the clergymen of all Roman Catholic countries, and is an indispensable condition upon entering the Catholic church; but it is an ecclesiastical law, and of course can be repealed by a council, or his Holiness, if concurred in by the church. How far, considering it as an abstract question, I might think it injurious or beneficial to the interest of the Roman Catholic church, to dispense with that obligation, I am not prepared to say. I do not exactly recollect the oath that is taken on consecration by a Roman Catholic bishop, but we do take an oath upon consecration of course; but I agree with Doctor Doyle, that there is no authority competent to alter that oath, except the authority of the Pope; or at least, that it could not be done without communication with the Pope; I believe an alteration was made by the Pope, at the suggestion of the Catholics, and I dare say, that any other alteration that was suggested, that would not be inconsistent with his rights, he would accede to. I recollect a letter, that was written by Cardinal Litta, subsequent to the letter which appeared from Quarantotti, upon the subject of the discipline of the Roman Catholic church. And I recollect it was stated in that letter, that no negotiation with respect to the *Regium exequatur*, can be admitted; the objection of Cardinal Litta, was to the interference of the lay authority. I would be disposed to think, that they would agree to an ecclesiastical commission to inspect. The See of Rome has already spoken on the subject; and having done so, I think we would feel justified to act upon the consent of the See of Rome, to the extent to which that consent has been signified. I cannot say I would go further, but I am convinced his present Holiness would do the same, as far as our religion and discipline would permit, *to acquiesce in any measure that would tend to tranquillize the country.*

This is a year of jubilee in the Roman Catholic church, but the orders that have issued from the Pope, with respect to the celebration of that jubilee, do not extend to Ireland.

Why Ireland is excepted I do not know.

There is no restriction with respect to the regular clergy being natives of Ireland; but practically, there is no instance of a foreigner belonging to the regular clergy being settled in Ireland, of late years, or in former years, that I have any recollection of. In some dioceses of Ireland there is a great number of regular clergy, particularly in Limerick.

Supposing a provision were made by the State for the secular clergy, I am not prepared to say how far I think it desirable to include the regular clergy in a similar provision; or supposing the secular clergy received a stipend from the State,

how far the influence of the regular clergy might be increased in Ireland by that means. An individual may recur to a regular clergyman for the purpose of confession, but not usually so for baptism. But the rite of baptism being performed by a regular clergyman, would not render it invalid.

But supposing a marriage were performed by a regular clergyman, who refuses obedience to the order of the bishop, it would not be valid; and on the principle I mentioned laid down by the Council of Trent, in order to prevent clandestine marriages, it was ordered that the parochial clergyman, or some one deputed by him, shall assist at the marriage. The effect of a marriage of two Roman Catholics, performed in a Protestant church, and not subsequently or previously performed in a Roman Catholic place of worship, would be invalid as to the spiritual effect of it; although they would be considered to be living in the marriage state.

In Ireland a Roman Catholic clergyman would not perform the ceremony of marriage between one of those parties and a third party; it is considered in all its temporal and civil effects to be valid; but the Council of Trent has said, that if they are two Catholics, it is a *conditio sine qua non*, that the clergyman of either the one or the other party shall attend.

The Catholic Church would not interfere with regard to inheritance, with regard to the civil effects, but still, ecclesiastically, the children of that marriage would not be considered as legitimate; for instance, if one of them applied to me for ordination, I do not think I would be justified in giving it.

To ordain an illegitimate person in the church would be an irregularity; it is a rule of the church; it is considered a kind of degraded state, and a person degraded would not be considered a fit person to be ordained.

The certificate of marriage we consider a proof of legitimacy; the registry in Ireland at present I think is in general pretty perfect.

There is no remittance of money, on any account whatever, from Ireland to Rome, not even from any bishop as a fee on institution.

The affairs of the Irish Church at Rome are managed by the *Congregatio de Propaganda*, over whom there is a president. That is divided into committees which have different churches subject to them. The cardinal that presides over Ireland at present is Sonnaliere. His correspondence is carried on with each bishop individually in general. The metropolitan was very commonly the channel of communication between his province and the see of Rome.

Appeals to the see of Rome are admitted in many cases, for instance, in case of the suspension of a clergyman, he can appeal to Rome. A case is tried at Rome, by the transmission of documentary evidence; a commission is appointed in gene-

ral. The metropolitan, and one or two bishops most contiguous to the appellant, are authorized to call the parties before them. I am not aware at present, in what other cases besides the suspension of clergymen are appeals admitted; as to the validity of marriages, I believe the law is settled in that respect. There are dispensations obtained from Rome, in the case of marriages which are forbidden within certain degrees of affinity and consanguinity. In the Protestant church they do not extend so far, there is a limit upon the dispensing power; the case of an uncle and a niece is as far as is granted.

In the Roman Catholic church separation is admitted, but not divorce; separation *quoad thorum et quoad habitationem*, but not *quoad vinculum*; if a marriage is once valid, we believe no power on earth can dissolve it, if it is once canonically contracted. There are cases in which marriages have been dissolved in the Roman Catholic church, upon the ground of their having been invalid *ab initio*. A regular clergyman who performed such marriage without being regularly authorized, would be censurable for so doing.

I believe that the regular clergy, in some parts of Ireland, exist in great numbers; and they are regarded by the people, as of superior piety. The popular preachers in some of the cities of Ireland, are in some instances of the class of regular clergy, and I have no doubt they have been much looked to as spiritual advisers for the rite of confession; the regular clergy generally receive their education abroad. Some go to Rome, some to Spain, some to Portugal. I think as many from Rome and Portugal as from Spain.

If I am asked whether the See of Rome has the power to form any new establishment in Ireland for the regular clergy, as far as I am prepared to answer that question, I should say, I think the concurrence of the bishop of each diocese is generally required before any new establishment is formed. I mean, that a body of regular clergy cannot congregate and form themselves into a community, within my diocese, without my intervention or permission, although they claim no right of exercising any spiritual functions. I think they would act irregularly if they did.

I am not exactly acquainted with the state of the law of Poland with respect to marriage, or that there is a greater facility of divorce according to the Polish law; but I think the law with regard to marriage is the same all over the Catholic world. Wherever the decrees of the Council of Trent are acknowledged, that part of its discipline which requires the presence of a clergyman is enforced, and that is for the purpose of guarding against those very degraded clergymen, before alluded to, and to whom the poorer classes sometimes resort to for marriage.

I have been asked, whether I became a bishop by direct nomination from Rome, or in consequence of being postulated by the clergy of my diocese; I beg to say, both: first postulation, and then nomination from Rome, and that I think is the case with the majority of the Irish Catholic prelates. I do not know of any instance of any direct nomination from Rome without the intervention of one or other order of the clergy in Ireland in the way of election. There has been no instance of it for years.

I did not belong to the diocese. I was a parish priest on the border of the diocese of Ardagh when the see became vacant; a respectable portion of the diocese thought I had a fitness to fill the vacant see, this was sent forward to the metropolitan, and by the metropolitan to Rome, and the appointment followed. There was no coadjutor to my predecessor. There was a vicar capitular, that is the person who, during the interregnum, has the administration of the diocese; but there are some instances of associating coadjutors with the bishops in Ireland; but it is only in case of advanced age or infirmity. The authority of the vicar capitular is to administer the see during a vacancy; appointed by the chapters which are in most of the dioceses in Ireland. The chapter has a right of putting forward a recommendation exclusively, but in general I think they yield that right in courtesy; and every parish priest in such case has a right to give an opinion as to the fitness of the individual candidates. For which purpose there is an assembly at a certain fixed time after the demise of the bishop. I have known instances where there have been rival candidates; on those occasions the assembled body give their votes sometimes secretly, and these votes are sent forward generally to the metropolitan, and by him to the Pope; that was done in my case. In such cases the power of electing depends in a great degree on the meeting assembled; if they agree among themselves that each priest shall have a vote, even where there is a chapter, it goes on so; sometimes the chapter confines it to itself. I entirely agree with those prelates who have stated that they should see no objection, or inconsistency with the discipline of the Catholic church in Ireland, to restrict the nomination of prelates absolutely to those who have been postulated from Ireland. In fact, to make domestic nomination essential to the institution.

With regard to a provision being made by the state for the bishops and clergy of the Catholic church in Ireland, I do not see any objection as to it on their independence, but so far as regards myself I have no anxiety for it. I believe there are some who would suppose the exertions of the Catholic clergy might slacken when their support was independent of the will of the people; but, however, I have not those apprehensions, because I think, as long as I live, the clergymen under my care will do their duty. There is no doubt the necessity of contributing

to the support of the clergy, in many instances, presses rather severely upon the population ; and, in many instances, out of a pocket which contains very little ; consequently such an arrangement might be acceptable to a large body of the Catholic population in Ireland, concurrent with Catholic Emancipation ; in that case I think it would be well received ; but without that condition I do not think it would be received as a boon. At the same time, in the event of the gift of such a provision being made, concurrent with the grant of Catholic Emancipation, I should object to the Crown receiving a power of inquiring into the character and principles of persons postulated for the Catholic episcopacy, except that a commission composed of Catholic ecclesiastics, might report to the Crown the character and principles of the individual so appointed, and their opinion as to his fitness and loyalty, &c. &c. I would consider a previous examination as to his qualification as inconsistent with the discipline of the church.

I see no objection in principle, in the event of a provision being made by the State for the support of the Roman Catholic church, to a certificate being required by the Crown from an ecclesiastical Roman Catholic commission, appointed by the Crown, of the character, loyalty, principles, and domestic nomination of the bishops and clergy, before they received the stipend which the State gave them. My only objection is to any interference on the part of a Protestant State, even though exercised by an ecclesiastical Roman Catholic tribunal in the appointment itself. And I conceive that the payment of the Roman Catholic hierarchy and clergy by the State, would, in some degree, put an end to the complaint at present existing in Ireland, of the support of a double order of clergy being cast upon the Catholic peasantry ; I think it would be a relief to them, and I think in course of time it would be acceptable enough to them ; and as far as that relief was felt, I think it would be an additional security to the Protestant establishment in Ireland ; and so far from feeling any disposition as a Roman Catholic bishop, to interfere with the temporal authority or property of the Protestant church, if I was offered the tithes, I would reject them ; and as to any desire that the Roman Catholic bishops should in any event be admitted into the House of Lords, I never had such an idea, and it never entered the mind of any ecclesiastic. We have no ambition for those matters ; our great anxiety is for the *peace and welfare of the country*, and *we are ready to make any sacrifices for the sake of promoting that object which is consistent with the discipline of the church*.

Upon the subject of the relinquishment of all the dues and fees, on the part of the clergy, which they now receive for the performance of religious rites, or for their own support, in the event of their receiving an adequate provision from the State ;

there are some which might not be willing to relinquish ; for instance, perquisites on marriages, and baptisms and funerals ; but the rule I would observe myself on such an event taking place would be, to have a meeting of the clergy to regulate thus far and you shall go no farther ; I would conceive it my duty to do so on the part of the clergy. There is not however in the character of those fees or obligations any thing so essential, as to make it impossible or difficult for the clergy to relinquish them ; but I believe in all churches they have generally what is called small dues.

There is nothing in the oblation which adds either to the sanctity or force of any religious act performed ; and therefore there would be difficulty in relinquishing altogether such fees, as far as regards discipline. Those fees in many places form the principal portion of the income of the Catholic clergyman. What is the case in other dioceses I do not know ; my printed regulation is, that they shall not charge more than two shillings and sixpence for baptism, nor more than three crowns for a marriage. I believe, in some parts, it is more.

I received my education abroad, at Salamanca. Many of the bishops now in Ireland received their education at foreign universities. I believe Dr. Murray and Dr. Curtis were at Salamanca ; Dr. Doyle was at Coimbra. I think that the majority, at present, were educated abroad ; some few of the younger have been educated at Maynooth. The course of education at Maynooth is similar to that which prevails at the university at which I was educated. The education is mathematical, philosophical and theological ; some few of the oldest of the parish priests in my diocese received their education at foreign universities ; and I find their reception by the people as favourable, and their influence as great, as that of the priests that have been educated at Maynooth. I think there is a sort of feeling in favour of continental education ; but much depends upon the manner in which they discharge their duties how far that feeling may continue or not.

I do not know the exact number of our feast days, but it is not the custom of the Catholics of Ireland to work on those days ; it is a precept of the church, but I do not think there are more than thirteen or fourteen ; and I do not think, if they could get employment on those days, they would accept it ; I think they are inclined to work ; but still they are more inclined to obey what they consider an obligation of the church. Church service is performed regularly in the chapels on those feast days ; but I think, that if it should fortunately happen for Ireland that manufactures were introduced there, and a spirit of impulse given to the employment of the poor ; under such circumstances, an application to the see of Rome might probably obtain a retrenchment of some of them. But I never heard of indulgences extended by the Ca-

tholic priesthood to persons engaged in works which it is essential to carry on on holidays; still the power to grant dispensation from the observance of those days exists in the Catholic church; although the exemption from labour on those holidays last through the whole of the day. I think in many instances, after hearing divine service, they do resort to their work.

Within my diocese the chapels are all inadequate to the number of the congregation; and the only remedy we can adopt in order to avoid the awkwardness of remaining outside, is to increase the number of clergymen. At the chapel at Ballinakon *I attend every morning at eight o'clock*, on Sundays, invariably, and my curate attends at ten and at twelve afterwards, and there is a large congregation each time; and there are other places within my diocese where service is celebrated three times. Those three services on the Sunday are entirely owing to the number of the congregation and the inadequacy of the means of receiving them.

There are many instances in which the congregation are obliged to kneel down in the open air, where there is only one mass. There are a few instances since I came into the diocese where parochial houses have been built for the residence of the clergyman. In such instances the house has been built principally by the clergyman, and partly by contribution from the parish, in that case the property, so far as regards those with which I am concerned, I think it will become the property of the successor, because I have endeavoured always that it should be within the precincts of the chapel yard. I have heard of instances where it has happened that the relation of the deceased refused to give up possession. Where the relation of the deceased has claimed as his heir, I have heard of instances where ejectments have been brought to recover possession of such buildings, but not within my diocese; and I have no doubt they have occurred. I have an instance where there has been a little spot of land adjoining to the chapel given with the chapel, turned to the purposes of meadow or pasture, in which that little spot adjacent to the parish chapel has been made the matter of demand for tithe.

I will state that instance, and the cause of it. A gentleman gave a spot of ground amounting perhaps to three roods, for the building of a chapel, and the chapel was built on part of it; there remained something like a rood and a half, where the clergyman got a little meadow, and I have known the manager of the tithe to charge the clergyman tithe for that little meadow; and the result of it was that the *Protestant* *parishioners* *felt so indignant at the claim being made, that they offered to pay this demand themselves.*

That demand was made by the proctor of the clergyman,

and not by the clergyman himself. I am not aware he had any knowledge of it; on the contrary, in my diocese, if a Catholic clergyman holds a small farm, it is *as matter of courtesy on the part of the Protestant clergymen to have that farm exempted from Tithe*; I know that in all the situations that I have been in myself, I never was charged tithe.

It is generally the practice from one clergyman to another, whether he is Catholic, or Protestant, or Presbyterian, to exempt the land held by such clergyman from the payment of tithe; it is what is expected, but sometimes it happens otherwise; with respect to parochial schools, the school-houses are miserable. I have been enabled to do much of late years in the improvement of them; but want of means leaves us much still to do. There is a general school, and particular schools in each parish; in the large parishes, there may be five or six in each; some of them in a very wretched condition; in the towns they are better.

The chapels in some places used for the purpose of school-houses in country parishes, I disapprove of, but sometimes of necessity they are allowed, from there being no other. I do not think there is one of the Catholic schools under my direction, founded or aided by the establishment in Dublin.

The way in which the funds are obtained towards those schools that are under my direction are Subscriptions from priests; subscriptions from those Catholics that have some better means, whatever assistance I can afford, and mostly some stipend from the parents of the children. I have also received assistance from Protestant proprietors, as often as I have applied to them, and I would have applied to them more, but I did hope that this session of Parliament there would be something done for us in that way.

I have a nephew at Mr. Edgeworth's school, in the county of Longford. I was not swayed by the circumstance of the school, being under the direction of a Protestant gentleman, in preference to a school kept by the Jesuits; I considered it a fit school, and it was convenient, but there are not the slightest religious distinctions of any kind in the school which is kept under the superintendance of Mr. Edgeworth; in fact the words Protestant and Catholic are not only not mentioned, but I think, except from the division that takes place on Sundays, they do not know what religion the others are of. This arises out of regulations that Mr. Edgeworth has there adopted, and which totally prevent the possibility of any spirit of proselytism being manifested, and such was my approbation of that school, in contradistinction to proselyting schools, that I sent my nephew there, to sanction the one in contradistinction to the others.

At that school on two days in the week the catechism is taught, in one part of the building to the Protestants, and in

the other part of the building, to the Catholics; and on the Sunday evening, when the one comes from the church, and the other from the chapel, they assemble for instruction. I am as anxious for the education of the poor of my diocese as any man can be, provided there is no interference with religion; but I think in a large school, which would comprise both Catholics and Protestants, there ought to be two masters, the one a Catholic, the other a Protestant; it is unmeaning to suppose that a Protestant teacher would be able to inculcate the doctrines of the Catholic church. But I would have no objection to try on this plan to have a school with a Protestant school-master, and to which the Catholic priest and the Protestant clergyman should have both the power of visiting. Mr. Edge-worth has four or five different masters; but they are not disposed, and if they were disposed, they dare not interfere. I think there has been less attempts to proselytism of children in my diocese than in many others, and I think the result was in the inverse ratio. That is, that the attempts which have been made to proselytise the Catholics to the Protestant faith, have had the effect of adding converts to the Catholic faith; in one parish particularly on my visitation, three or four persons, who had lived as nominal Protestants, made application to me to receive them as members of the Catholic church; and that arising I think from the over exertions for proselytism. They were not children, they were the mothers of children, and the fathers of children; they were grown persons; they were nominal Protestants, and they sent to me on the day of visitation, saying that they wished to become members of the Catholic church. That disposition I think arose from the proselyting disposition that was all over the neighbourhood; it was quite disgusting.

Those attempts at proselyting were made chiefly by the schoolmasters and patrons of the school. In those cases I recommended the clergyman who was in charge of the parish to have a vigilant care of his flock, and the children in general have been immediately taken away, except where they depended much upon the landlord or the person under whom they derived.

The general situation of the peasantry in my diocese is very wretched. The system of creating 40s. freeholders with a view to an election interest has prevailed extensively in my diocese. I have seen large bodies of freeholders coming to be registered; and although the general appearance of that class of individuals was wretched, I rather think if they were to dispose of their freeholds, they would generally get 40s.; but in many instances I do not think they are worth it; and are in a state of entire dependence upon the landlords in general, owing to the occupying tenant being generally in arrear for rent, and other circumstances of his situation giving the land-

hold a powerful influence over him. The system of joint tenancy prevails very much in the part of the country with which I am acquainted, but I think it is doing away a good deal.

I have heard of a candidate canvassing the 40s. freeholders in some instances against their landlord; but I think it is a matter of etiquette in general not to do so. In point of fact, I think that the general class of 40s. freeholders in those counties exercise the right of franchise sometimes independent of the person under whom they derive their leases; in general, they go along with their landlords. Generally speaking, the tenants of an estate vote with the proprietor of the soil; I know some instances where they did not, but I think in general they do. I think, in general, when they are called upon, they go along with their landlords without ever reflecting; still upon that franchise being disallowed, I think, although each individual would feel no loss, there would be a degree of dissatisfaction among the body at large. They would conceive it was taking away so much from them, and there would not be wanting individuals who, from design, would be stirring up their minds to think so. The result of their acting otherwise would be, I dare say, to incur the dissatisfaction of the landlord, and if they owed arrears of rent to press them for it.

I have no doubt that perjury is committed to a very great extent in consequence of this system, both upon registries and upon elections; and I think that any alteration of the law which was to reform this system, would in itself produce a great improvement in the morality of the people. There is no doubt that the present system demoralizes them extremely.

The great mass of the 40s. freeholders in the part of Ireland with which I am acquainted are Catholics generally; and therefore I conceive the effect of altering the franchise, and striking off the 40s. votes, as it is called, would be to impress upon the Catholic population at large a feeling that their religion had sustained a loss; and that they would feel that the Catholic influence of Ireland was diminished, if the alteration of the franchise was accompanied by a measure advantageous to the Catholic religion, such as passing what is called Catholic Emancipation; I think that the satisfaction created by the one measure would outweigh the dissatisfaction excited by the other. I have no doubt that the Catholics, generally speaking, would be more gratified at the removal of what they consider a stigma upon their religion, than they would feel apprehensive at their deprivation of the 40s. franchise, such as I have described.

End of Second Report.

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